

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DEPOSITION OF ROBERT ROSS

NIKI FRENCHKO,	)	
	)	
	)	Case No.
Plaintiff,	)	
	)	4:23 CV 00781
VS.	)	
	)	
	)	
PAUL MONROE, ET AL.	)	
	)	
	)	
Defendants.	)	

Deposition taken in the above-entitled cause, pursuant to Agreement before Jodie L. Algarin, a Notary Public for the State of Ohio, on September 13, 2023, to be used pursuant to the Rules of Civil Procedure or by agreement of counsel in the aforesaid cause of action, pending in the United States District Court for the Northern District of Ohio, Eastern Division.

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## STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that this deposition may be taken at this time, 9:07 a.m., September 13, 2023, at the offices of Atty. David Betras, 6630 Seville Drive, Canfield, Ohio.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Jodie L. Algarin, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness's signature to the finished transcript of his deposition is not waived; and that the deposition will be available for the witness to read and sign the finished transcript of his deposition.

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1 WHEREUPON,  
2 ROBERT ROSS,  
3 Called as a witness, having been first  
4 duly sworn by the Notary Public to testify  
5 the truth, the whole truth and nothing but  
6 the truth, was examined and testified as  
7 follows:

8 CROSS EXAMINATION

9 BY MR. MILLER-NOVAK:

10 Q. All right, Mr. Ross?

11 A. Yes, sir.

12 Q. How you doing today?

13 A. Good. You?

14 Q. I'm all right. So little tough to have a  
15 road show, traveling circus here. So can you state your  
16 full name for the record, please?

17 A. Sure. It's Robert Ross.

18 Q. Robert Ross?

19 A. Yes, sir.

20 Q. Okay.

21 A. It's Robert L. Ross, Jr. I don't know if  
22 that makes a difference. I'm a junior.

23 Q. Sure. Don't need to be that specific. And  
24 how would you like me to refer to you today? I don't mind  
25 calling you Mr. Ross, Deputy Ross.

1 A. Bobby.

2 Q. Bobby?

3 A. Uh-huh.

4 Q. Okay. If you have any questions for me,  
5 just call me Matt.

6 A. Okay. Yes, sir.

7 Q. We'll do first-name basis then today.

8 A. I'm fine with that. That's good.

9 Q. Okay. Have you ever been deposed before?

10 A. No. First time.

11 Q. Great. I love it when I'm people's first  
12 deposition, so that way everyone will be better after  
13 this.

14 A. Okay.

15 Q. So I'm just going to go through some ground  
16 rules with you.

17 A. Okay.

18 Q. Okay. Obviously you understand you're under  
19 oath today?

20 A. Yes, sir.

21 Q. And you understand that that woman's a court  
22 reporter, right?

23 A. Yes.

24 Q. And she's typing everything we say today.

25 A. Okay.

1 Q. And most of what I'm about to tell you is  
2 because of that.

3 A. Okay.

4 Q. All right?

5 A. Yes, sir.

6 Q. So the first thing, because she is typing  
7 and it's all words, you know, when you give your  
8 responses, they need to be kind of full yeses and full  
9 nos. We don't do uh-huhs and huh-uhs, because she could  
10 get it wrong, okay?

11 A. Gotcha. Yes, sir.

12 Q. And yes, sir is perfect, but you don't have  
13 to call me sir if you don't want to. I understand your  
14 training and all.

15 And the other issue is we've got to try not to  
16 interrupt one another, because that can kind of confuse  
17 the record.

18 A. Okay.

19 Q. Okay.

20 MR. BETRAS: If it gets hot in here --

21 THE WITNESS: It is hot in here.

22 MR. BETRAS: Keep going.

23 A. I thought maybe this was a tactic. You're  
24 over here have me sweating. It's okay.

25 Q. You have a little extra baggage there under

1 your shirt, too.

2 A. Yeah.

3 Q. So because of that, just allow me to finish  
4 my question before you answer. Sometimes it's natural  
5 human behavior, we think we know what the question's going  
6 to be and we tend to blurt out the answer first. And I'm  
7 going to try to let you finish your answer. We're both  
8 going to fail a little bit today. That's okay; it's  
9 natural. We'll do our best, all right?

10 A. Yes, sir.

11 Q. The other thing is this is not -- you know,  
12 obviously you're here by legal obligation, but at the same  
13 point in time, if you need a break for any reason, that's  
14 fine; just let me know.

15 A. Okay.

16 Q. The only thing I ask is that if I have a  
17 question on the table, you answer it before you take a  
18 break. Is that all right?

19 A. Yes, sir.

20 Q. Okay. And then I'm going to ask the next  
21 question, and don't feel the need to tell me what it would  
22 be -- I don't care about your medical business -- but are  
23 you on any kind of medication today that would make your  
24 ability to recall things clouded?

25 A. No.



1 Q. Okay. I'm assuming not because it looks  
2 like you're somewhat on duty there.

3 A. I am.

4 Q. Great. Do you have any questions for me  
5 right now?

6 A. No, sir.

7 Q. All right. Great. Then we'll kind of get  
8 going on what we're doing here today.

9 MR. BETRAS: This will help circulate the  
10 air.

11 Q. So how long have you been a deputy?

12 A. I started at the sheriff's office in 2006.  
13 I worked in the jail until December of 2008, and that's  
14 when I became a deputy was December 23rd, 2008.

15 Q. Okay.

16 A. So --

17 Q. So you said you worked in the jail until  
18 2008?

19 A. Yes. I've been at the sheriff's office  
20 for almost -- well, 17 years now.

21 Q. Okay.

22 A. The jail's part of the sheriff's office,  
23 but it's not -- you're not a deputy, corrections  
24 officer. You're a civilian employee.

25 Q. Okay. But you're technically employed

1 underneath the sheriff's department?

2 A. Yes.

3 Q. But I guess you don't have the authority of  
4 law in the sense of other than managing affairs in the  
5 jail; is that --

6 A. Correct.

7 Q. Okay. So you understand the jail and jail  
8 operations, but your -- I guess your police authority kind  
9 of stops at the door?

10 A. Correct.

11 Q. As soon as you get in your Chevy and drive  
12 home, that's it. You're just a normal average Joe like  
13 everybody else?

14 A. That's correct.

15 Q. Okay. So you said you moved from doing the  
16 jail work to like full on --

17 A. Full-time deputy, 2008, yes.

18 Q. Okay. Watch a little bit because you kind  
19 of caught my question at the end there, all right? So  
20 we'll try to slow down a little bit. So 2008. So what  
21 did you do -- what was your first assignment as a  
22 full-fledged deputy in 2008?

23 A. Patrol deputy.

24 Q. Are you still a patrol deputy?

25 A. I am not.

1 Q. What are you now?

2 A. I am a sergeant. I supervise the civil  
3 division.

4 Q. Okay. When did you make that jump?

5 A. 2016.

6 Q. Okay.

7 A. 2016.

8 Q. Okay. So what were your duties as a patrol  
9 deputy?

10 A. Basic police functions, patrol, respond to  
11 calls as called in by the public, enforce traffic  
12 violations, traffic rules, handle crashes, basic police  
13 duties.

14 Q. Okay. What are your duties currently?

15 A. Right now I supervise the civil division,  
16 which the civil division is -- we manage paper service,  
17 warrants, building security, courthouse security,  
18 transportation of prisoners.

19 Q. Okay. Kind of similar to like a federal  
20 marshal, I guess, in a sense maybe?

21 A. I guess. I don't know.

22 Q. Okay. What is your normal detail? Like,  
23 where are you currently located or most often what are you  
24 doing?

25 A. Most often the day consists of --

1 sometimes I'm at the office, the sheriff's office, 150  
2 High Street. I could be assisting at court making sure  
3 everything's running smoothly, serving papers.

4 Sometimes we'll go serve warrants.

5 Q. Okay. By the way, another rule I forgot --

6 A. Okay.

7 Q. -- if you don't understand my question,  
8 because I kind of make a lot of them up as I go here a  
9 little bit --

10 A. Okay.

11 Q. -- and they're not always perfect, don't be  
12 afraid to ask me for clarification.

13 A. Yes, sir.

14 Q. That question kind of stunk. You did okay,  
15 but it wasn't the best question I've ever asked. You  
16 rolled with it well.

17 A. I tried.

18 Q. But if you're ever confused, let me know,  
19 okay?

20 A. Okay.

21 Q. So I want to talk to you kind of a little  
22 bit about your training.

23 A. Yes.

24 Q. So how did you become trained to be a  
25 deputy?

1 A. I went to MTC Police Academy in 2002.

2 Q. Okay.

3 A. Graduated -- well, it was 2002/2003.

4 Q. Okay. Well, in case you haven't heard, I'm  
5 kind of a college nerd, so I have no idea what that means.

6 A. It's basic police academy. That's it.

7 Q. So is there classroom studies involved in  
8 that?

9 A. Yes.

10 Q. And do you learn about laws in those  
11 classroom studies?

12 A. Yes. There's a section where you learn  
13 about laws.

14 Q. Okay. How does that operate? Do you get  
15 tests? You look like you didn't understand the question.

16 A. Yeah. I don't understand. So they would  
17 come in, teach you, go over maybe laws, and then there's  
18 one final test at the end of the academy, so that's it.

19 Q. Kind of like a bar exam for deputies?

20 A. Probably way low, yeah.

21 Q. Yeah. So --

22 A. Not close. About, but yeah.

23 Q. That's neat. So when you learn about laws,  
24 do you -- obviously you're learning about criminal law,  
25 correct?

1 A. Yes.

2 Q. And then I'm guessing you're kind of  
3 learning about Ohio statutes; is that correct?

4 A. Yes.

5 Q. And it's probably not every single statute,  
6 but it's probably some, correct?

7 A. From what I can recall, yes.

8 Q. Okay. Did you learn the difference between  
9 like mens rea and actus reus? Do you know what I'm  
10 talking about?

11 A. I don't. I don't recall.

12 Q. Okay.

13 A. I'm sorry.

14 Q. Did you learn or do you understand now that  
15 criminal laws tend to have like a mental state that's  
16 required?

17 A. I guess can you -- can you explain that?

18 Q. Sure, yeah. So like the difference between,  
19 let's say, an intentional homicide and a negligent  
20 homicide, for instance.

21 A. Okay.

22 Q. Right. Did you learn there's a difference  
23 between intentionally killing someone and involuntary  
24 manslaughter?

25 A. Yes.

1 Q. So you kind of understand that, you know, a  
2 difference to have the purpose of doing something as  
3 opposed to accidentally doing something?

4 A. Okay, yes.

5 Q. Okay. So would you agree if I said that  
6 there's a difference between purposely hitting somebody  
7 with your car, I guess would be kind of like vehicular  
8 assault; would that be correct?

9 A. Yes.

10 Q. So the difference between that -- and let's  
11 say the person died. So you're driving a car and they owe  
12 you 50 bucks and you're mad and you swerve off the road  
13 and you intentionally hit that person, that would be  
14 vehicular assault, correct?

15 A. I would think so.

16 Q. And you would think that if that person died  
17 it might be like an intentional homicide, correct?

18 A. I believe so, yes.

19 Q. Let's say, by contrast, you're driving  
20 recklessly and you accidentally hit somebody. That would  
21 not be a purposeful crime. That might be a negligent  
22 crime, correct?

23 A. I believe so, yes.

24 Q. Okay. So when you're trained in laws in the  
25 academy -- is it fair if I just call it the academy?

1 A. Yes.

2 Q. Did you learn anything about public meetings  
3 laws?

4 A. I don't remember. That was many years  
5 ago.

6 Q. So if you did, you just don't recall?

7 A. Correct.

8 Q. And you've been a deputy for a fair amount  
9 of time?

10 A. Yes, sir.

11 Q. So I'm assuming you made a number of arrests  
12 in your career?

13 A. Yes, sir.

14 Q. Prior to July 7th, 2022, have you ever  
15 arrested anybody at a public meeting?

16 A. I don't believe so.

17 Q. Have you ever worked in a public meeting  
18 prior to July 7th, 2022?

19 A. Yes, sir.

20 (Off the record.)

21 Q. So do you have any idea how many arrests  
22 you've had in your career?

23 A. No, sir.

24 Q. Probably a pretty significant amount,  
25 correct?



1 A. I would say.

2 Q. Do you think at least one per week?

3 A. Safe to say.

4 Q. Okay. And there's 52 weeks in a year?

5 A. Yeah.

6 Q. So probably several hundred arrests, then,  
7 correct?

8 A. Probably.

9 Q. Okay. What type of crimes, typically, or  
10 what most frequently do you seem to arrest people for?

11 A. Off the top of my head, domestic violence.

12 Q. Yeah.

13 A. Usually domestic violence. I mean, we  
14 would -- we would go arrest people with warrants that  
15 were court ordered. OVI arrests. I don't know.

16 Q. Let's take OVI for a second.

17 A. Okay.

18 Q. So when you arrest someone for an OVI, how  
19 familiar are you with OVI laws?

20 A. It's been a little bit since I've been on  
21 road patrol, but I'm a little bit familiar with it  
22 still.

23 Q. Okay. Well, generally speaking, when  
24 someone's kind of swerving their car, maybe that leads to  
25 probable cause to pull them over, right?

1 A. If you have a lane violation, correct.

2 Q. And then come to the car and then maybe you  
3 notice some behaviors that may lead you to suspect that  
4 person may be drinking, correct?

5 A. Yes.

6 Q. Okay. And then you can ask them to do a  
7 line test, right?

8 A. Yes. There's a series of tests.

9 Q. I think one with the pen, right?

10 A. Yeah.

11 Q. And then --

12 A. HGN, yeah.

13 Q. Yeah, yeah. About watching the people's  
14 jitter or something. I don't know. I don't practice that  
15 area of law. Read it in a book once. So and then you  
16 might do the alphabet backwards, right?

17 A. We don't do that one, no.

18 Q. I can't do it sober, so I'm glad you  
19 stopped. So you go through a series -- a process,  
20 right --

21 A. Yes.

22 Q. -- that you've been trained to do; is that  
23 correct?

24 A. Correct.

25 Q. Okay. And then if you suspect further, then

1 you might maybe ask a person to take a BAC; would that be  
2 correct?

3 A. Yes.

4 Q. And they may agree to that or they may  
5 refuse, right?

6 A. Yes.

7 Q. And if they agree, then you would administer  
8 that and you would act according to the results, correct?

9 A. Correct.

10 Q. And if they refuse, then there's a  
11 completely different procedure that you would handle in  
12 that regard, correct?

13 A. Correct.

14 Q. Right. And so when you're on the road and  
15 you're enforcing OVI laws, it's because -- and you know  
16 all these things. It sounds like you're very familiar  
17 with them. You know them because you've been trained on  
18 those laws, correct?

19 A. Correct.

20 Q. So you know when you're on the road and you  
21 suspect an OVI, you have training that you could apply to  
22 that particular situation?

23 A. Yes.

24 Q. And you would agree that that training makes  
25 you more effective at handling that situation, correct?

1 A. I would believe so, yes.

2 Q. Right. So if you were doing something like,  
3 I don't know -- you're not trained to do SWAT, right?

4 A. I am not.

5 Q. So if you were called on a Thursday randomly  
6 and asked to go do a SWAT task, do you think that that  
7 would be a wise decision?

8 A. No. We've assisted SWAT, and there's some  
9 things that I have been trained to do that I could do as  
10 per -- you know, perimeter, but as for certain functions  
11 that they do, no.

12 Q. Okay. Because when an officer or deputy, I  
13 guess -- I use the word deputy. Trying to use the right  
14 language.

15 A. It's fine.

16 Q. But when deputies are doing certain tasks,  
17 that's why there's different responsibilities in the  
18 department, correct?

19 A. Yes.

20 Q. Certain people are trained to do certain  
21 things?

22 A. Yes.

23 Q. Okay. And it could be in some situations  
24 probably dangerous for a deputy who's not trained in a  
25 very specific task to do that task, correct?

1 A. Yes.

2 Q. So have you ever been trained in managing or  
3 overseeing public meetings?

4 A. Not that I recall.

5 Q. Okay. I want to kind of change gears here  
6 for a second. I want to talk to you a little bit about  
7 cell phone usage in the department. Is that okay?

8 A. Yes, sir.

9 Q. Okay. So do you recall what model cell  
10 phone you had during July of 2022?

11 A. I believe it was an iPhone 13 Pro.

12 Q. Okay. As opposed to the amateur?

13 A. As opposed to the amateur.

14 Q. Okay. Did you buy that phone yourself?

15 A. I did not pay for it outright. I make  
16 payments to the carrier service, but, yes.

17 Q. Okay.

18 A. It's my personal phone, yes.

19 Q. Okay.

20 A. You're asking, like, did the department  
21 issue it?

22 Q. I mean, I told you I wouldn't always ask the  
23 best questions, so --

24 A. It's my phone, yes.

25 Q. It's your phone?

1 A. That's correct.

2 Q. Did you pick it out? Did you pick the model  
3 out?

4 A. I did.

5 Q. Okay. So did you do any shopping when you  
6 did that?

7 A. Comparing.

8 Q. Comparing?

9 A. Yes.

10 Q. Okay. What did you compare it against?

11 A. Probably the other models at the time, the  
12 iPhone 13 versus the 13 Pro.

13 Q. Okay. So you're an iPhone dude. You  
14 weren't going to buy a Samsung. You were just looking  
15 between the different iPhones?

16 A. That's correct.

17 Q. Have you had iPhones prior to the iPhone 13?

18 A. Yes.

19 Q. Because you kind of get stuck in iPhone  
20 world when you own one, right?

21 A. Yeah, I would agree with that.

22 Q. Yeah, I'm stuck in the Samsung world. So we  
23 all have our crosses to bear, I guess, in that world. So  
24 you had an iPhone 13; and you know what, you answered my  
25 next question. So the county doesn't pay for it?

1 A. Correct.

2 Q. So all the deputies' devices they provide  
3 for themselves?

4 A. I don't believe so.

5 Q. Okay. So some people might have  
6 county-provided phones?

7 A. Yes.

8 Q. You don't?

9 A. Yes.

10 Q. Should talk to your union about that.

11 A. I know.

12 Q. All right. So you have to pay for your own  
13 phone and your own monthly payment?

14 A. We did at one time. We were issued cell  
15 phones, and they were flip phones, and they were a pain  
16 in the butt.

17 Q. But now you're paying for your own phone?

18 A. Correct. They took those back from us and  
19 now we use our own phones.

20 Q. You don't get a stipend or anything?

21 A. No, sir.

22 Q. And then there's something like in your  
23 Interrogatories, or maybe your counsel just told me. Like  
24 I know it's through AT&T, but it's like some first  
25 something?

1 A. Yeah.

2 Q. Go ahead.

3 A. FirstNet?

4 Q. Yeah. Is that something that's specifically  
5 aimed at police and fire, some kind of service or  
6 something?

7 A. Yes.

8 Q. Okay. Is it like a discounted service that  
9 AT&T offers, do you think?

10 A. I think so, yes.

11 Q. Okay.

12 A. There's supposed to be benefits to it if  
13 there's mass incidents where it will push through where  
14 first responders will be able to communicate if the  
15 lines get bogged down.

16 Q. Okay.

17 A. If towers get bogged down, first  
18 responders are still supposed to be able to communicate.  
19 Whether it works or not, I don't know.

20 Q. So it's like some kind of priority system?

21 A. Correct.

22 Q. That's interesting. I'm assuming right now  
23 I'm looking, and you got like a radio on your chest,  
24 right?

25 A. That's correct.



1 Q. Right. And probably your procedure is when  
2 you use that to keep chatter down?

3 A. We try to.

4 Q. Someone breaks the rules all the time,  
5 right? But typically speaking, you're not supposed to  
6 flood the channels, right?

7 A. Correct.

8 Q. And you're not really supposed to be talking  
9 about sharing stories and things like that over the radio?

10 A. That's correct.

11 Q. Supposed to kind of say there's an event  
12 happening, reporting the event and keeping your words  
13 somewhat clean and simple, correct?

14 A. Supposed to, yes.

15 Q. Yeah. You're probably -- I'm sure  
16 occasionally someone tells a joke, right?

17 A. No.

18 Q. No?

19 A. Not recently, no.

20 Q. Okay. But you're not really telling  
21 long-winded stories on that radio?

22 A. Correct. You're not supposed to, correct.

23 Q. Right. So if you're going to have a more  
24 thorough conversation, you're probably often using your  
25 cell phone?

1 A. That's correct.

2 Q. And part of your communication with other  
3 deputies with your cell phone would include text messages,  
4 correct?

5 A. Correct.

6 Q. How often do you think you text message  
7 other deputies?

8 A. Several times a day. On duty and off  
9 duty, so --

10 Q. So when you're texting -- so sometimes when  
11 you text other deputies it's work-related, correct?

12 A. Correct.

13 Q. I'm going to represent to you that I also  
14 practice employment law, so no -- I've represented some  
15 officers in my day, and I'm going to ask a couple  
16 questions; feel free to give me whatever answer you want,  
17 of course, but I understand that, typically speaking,  
18 deputies and police officers are somewhat of a familiar --  
19 kind of a family unit to some degree; would you agree with  
20 that statement?

21 A. Somewhat, yeah.

22 Q. So you guys -- you know, you share a lot of  
23 stories, correct?

24 A. Somewhat, I would say.

25 Q. Yeah. Would it be safe to say that if, you

1 know, something really interesting happens at work you  
2 tend to kind of talk about it with your co-deputies,  
3 correct?

4 A. Sometimes.

5 Q. Yeah. And when certain things occur maybe  
6 you're a little bit unsure about, you tend to get advice  
7 from maybe more seasoned deputies or other deputies; would  
8 that be safe to say?

9 A. That would be safe to say. I would  
10 contact my supervisor if I was unsure of something.

11 Q. Yeah. And you're head of the civil  
12 division, correct?

13 A. Correct.

14 Q. So sometimes people come to you for advice;  
15 is that correct?

16 A. Yes.

17 Q. What kind of public records training have  
18 you received?

19 A. I don't recall -- I don't know.

20 Q. Okay. So you've never been trained by the  
21 department on what materials you produce could be deemed  
22 as public records or not?

23 A. I don't know if I've never been trained.  
24 I don't remember being trained.

25 Q. But it's not -- let me ask you this:

1 Probably on a fairly regular basis you go through things  
2 like sexual harassment training and discrimination  
3 training in the --

4 A. We have -- yeah.

5 Q. Not regularly?

6 A. I don't know about regularly, but --

7 Q. Yeah. Okay. Well, the employment attorney  
8 in me is eeking a little bit right now. Okay. So that's  
9 all right. It's not relevant to this case. We'll ignore  
10 it. So, but you do go through some -- like some training  
11 you would go through would be kind of about like your  
12 police duties in the field, correct?

13 A. Yes.

14 Q. And then do you go through some training  
15 that are kind of more about your internal  
16 responsibilities?

17 A. What do you mean internal?

18 Q. Like office procedures, you know, things  
19 like that.

20 A. I don't recall doing the internal  
21 training.

22 Q. Okay.

23 A. I mean, we have -- we have policies and  
24 procedures, but --

25 Q. Let's talk about those, then. You get like

1 a book?

2 A. Yes.

3 Q. Okay. And did you ever get trained on that  
4 book at all?

5 A. Yes. We'll have -- we'll go over it and  
6 sign off on policy and procedure, and that's it.

7 Q. Okay.

8 A. Sometimes we'll have training or a roll  
9 call session to talk about it.

10 Q. So typically get the policies, it's your  
11 responsibility to review them and then report back that  
12 you did review them?

13 A. Correct.

14 Q. Okay. Do you know if the policy handbook  
15 discusses public records retention at all?

16 A. I don't recall. I don't know.

17 Q. Okay. So you don't -- you're not saying no  
18 or yes; you just don't remember?

19 A. Yes, correct.

20 Q. That's fair. So you don't have any  
21 knowledge how the record retention policy may relate to  
22 your text messages between other deputies then?

23 A. I do not.

24 Q. Okay. So you don't know whether or not  
25 you're required to maintain those?

1 A. Correct.

2 Q. Do you know what a records retention  
3 commission is?

4 A. I do not.

5 Q. Okay. So I'm assuming before you delete  
6 text messages, you've never submitted those text messages  
7 for approval for one-time deletion from the records  
8 commission?

9 A. Nope.

10 Q. Okay. So earlier you said you've never  
11 worked a public meeting prior to July 7th, 2022.

12 A. I did not say that. I said I have.

13 Q. At Trumbull County or another place?

14 A. Trumbull County.

15 Q. Okay. When was that?

16 A. I was regularly in the commissioners'  
17 meetings.

18 Q. Okay. To provide security?

19 A. Yes.

20 Q. Okay. So you're saying that it was a  
21 regular detail of yours prior to July 7th, 2022?

22 A. Yes.

23 Q. Okay. How frequently during the week were  
24 you at those meetings?

25 A. Whenever they had them, which I believe is

1 once a week.

2 Q. Okay. Would you agree with me that during  
3 that time period, probably today, that there's a lot of  
4 contention among the commissioners?

5 MR. YOSOWITZ: Objection. Go ahead.

6 A. What time period?

7 Q. Let's just say spring and summer of 2022.

8 A. That there's a lot of --

9 Q. Contention.

10 A. What do you mean?

11 Q. Did you witness them argue a lot?

12 A. I mean, I don't know if you'd call it  
13 arguing. Maybe disagreeing, yeah. I mean -- I'd say  
14 yes.

15 Q. Okay. Did you consider the meetings  
16 functional?

17 A. What's functional?

18 Q. Did they seem generally and regularly  
19 orderly to you?

20 A. I don't know. They got through them, I  
21 think. So I believe so. I believe they functioned  
22 properly, I guess.

23 Q. Okay. Did you hear the phrase point of  
24 order said a lot during meetings?

25 A. I've heard it said before.

1 Q. Multiple times?

2 A. By multiple commissioners.

3 Q. Yeah. So all the commissioners would say  
4 the phrase point of order quite frequently, correct?

5 A. I don't know about quite frequently, but  
6 I've heard it before.

7 Q. Okay. So it's nothing unusual to hear the  
8 phrase point of order in a commissioners' meeting; would  
9 you agree with that?

10 A. I don't know if it's not unusual. I can't  
11 say they used it every meeting. Yeah, I don't remember.  
12 I've heard it before.

13 Q. Okay. How many meetings had Wix worked  
14 prior to -- how many meetings had Wix worked with you  
15 prior to July 7th of 2022?

16 A. Prior to that day, I don't believe any.

17 Q. Okay. Why was he there on July 7th, 2022?

18 A. Normally Lieutenant Kaintz would work with  
19 me, and I believe he had something to do that day to  
20 where he asked -- I can't recall exactly how it  
21 happened, but I believe Sergeant Wix was told to be  
22 there.

23 Q. Okay. Would you agree that you have more  
24 public meeting experience than Sergeant Wix?

25 A. I don't know.



1 Q. Okay. If I were to represent to you that he  
2 told me that he had never worked a public meeting at the  
3 commissioners' -- in Trumbull County Commissioners'  
4 meeting prior to that day, would you disagree with that  
5 statement?

6 A. If he told you that he never worked one?

7 Q. Yes.

8 A. If he said it, then I'm sure, yeah.

9 Q. Okay.

10 A. I don't recall him ever being up there.

11 Q. Prior to July 7th, 2022, have you ever  
12 witnessed any of the commissioners interrupt one another?

13 A. I'd say yes.

14 Q. Okay. More than once?

15 A. Yes.

16 Q. Have you ever witnessed Mauro Cantalamessa  
17 interrupt Niki Frenchko while she was talking?

18 A. I don't know who interrupts who, but  
19 sometimes there's a lot of back and forth, so I don't  
20 know who interrupts who first. Possible.

21 Q. Well, I'm going to represent to you I've  
22 watched way more meetings than I really would want to in  
23 life necessarily.

24 A. Probably, yeah, I'm sure.

25 Q. Because I don't live in Trumbull County,

1 right? So at this point I probably know more about  
2 Trumbull County business than people living in Warren.

3 A. Probably.

4 Q. I mean, if I were to represent to you that  
5 the commissioners sometimes debate fiercely and interrupt  
6 one another, would you disagree with that?

7 MR. YOSOWITZ: Objection, but go ahead.

8 A. Would I disagree that they debate? No.

9 Q. Would you disagree that they get into  
10 matches where they interrupt one another?

11 A. I would not disagree with that, no.

12 Q. Okay. Do you know what the Robert's Rules  
13 of Order are?

14 A. I've heard of Robert's Rules of Order, but  
15 I do not know what they are.

16 Q. Yeah. Well, if I represented to you that  
17 Robert was some dude from 1876, would you have any reason  
18 to disagree with that?

19 A. I have no reason to disagree with that.

20 Q. And they're kind of general rules of  
21 parliamentary procedure. Would you disagree with that?

22 A. Sounds like you know what you're talking  
23 about, so no.

24 Q. Trust the guy with the tie, right? So you  
25 don't know how those work?

1 A. Correct.

2 Q. Okay. When you're in meetings and the  
3 commissioners speak, do they first ask before they speak?

4 A. I don't know. I feel like sometimes they  
5 do and sometimes they don't.

6 Q. Okay. So sometimes when they want to say  
7 something, they just say it, correct?

8 A. I believe so.

9 Q. So on a regular basis no one says,  
10 Mr. Chair, may I have the floor?

11 A. I don't know.

12 Q. Okay. You okay?

13 A. I'm good.

14 MR. MILLER-NOVAK: Okay. I think what I  
15 want to do this week, unless you have any disagreement,  
16 just kind of -- do you mind if we just kind of number  
17 all the exhibits and just kind of keep those numbers?  
18 Does that work for you?

19 MR. YOSOWITZ: Just want to keep a  
20 running --

21 MR. MILLER-NOVAK: Yeah, because I'm going  
22 to reuse. I don't want to reuse every single exhibit in  
23 every deposition, but certainly going to be referring  
24 back to certain ones. I have five copies.

25 MR. YOSOWITZ: Should be okay.

1 MR. MILLER-NOVAK: I think so. David, you  
2 might lose.

3 (Whereupon Plaintiff's Exhibit 1 was marked.)

4 MS. SUDHOFF: So this is also Defendant's  
5 Exhibit A.

6 MR. MILLER-NOVAK: I wasn't here for that.

7 MS. SUDHOFF: I promise you.

8 MR. YOSOWITZ: We'll just call this  
9 Plaintiff's 1.

10 MR. MILLER-NOVAK: That's fine. Can we do  
11 that?

12 Q. Have you seen this letter before?

13 A. No.

14 Q. You've never seen this letter before?

15 A. No.

16 Q. Okay. Are you aware that in a meeting prior  
17 to July 7, 2022, that Commissioner Frenchko had made some  
18 critical statements regarding the jail?

19 A. I don't recall any statements being made,  
20 no.

21 Q. Were you aware prior to the meeting on  
22 July 7th, 2022, that -- I know you said you haven't seen  
23 that letter, but were you aware that Sheriff Monroe had  
24 sent a letter to the commissioners?

25 A. No, I was unaware of the letter.

1 Q. When's the first time you've seen that  
2 letter?

3 A. Right now.

4 Q. Okay. So you never saw this letter prior to  
5 today?

6 A. No.

7 Q. Okay. I'm going to hand this back to the  
8 reporter.

9 A. Okay.

10 Q. Because if you steal her exhibits, it gets  
11 ugly. So did Sheriff Monroe call you the day of the  
12 meeting?

13 A. I don't --

14 Q. July 7th.

15 A. I do not know. I don't recall.

16 Q. You don't recall. Do you recall whether or  
17 not you called him?

18 A. I don't recall.

19 Q. Do you remember whether or not he called you  
20 after the meeting?

21 A. I don't recall if he called me after the  
22 meeting or not.

23 Q. Do you recall whether or not you called him  
24 after the meeting?

25 A. I do not recall if I called him.

1 Q. So you wouldn't remember the content of any  
2 conversation you had with him that day?

3 A. I do remember speaking to him after the  
4 meeting.

5 Q. Okay. You spoke to him after the meeting?

6 A. Uh-huh.

7 Q. About what?

8 A. He came down. We were doing our report.  
9 I think he maybe walked in, may have asked what our  
10 charges were. I think we told him. Sergeant Wix and I  
11 were working on the report in our office, and I think he  
12 left. I think that was about it. But I don't recall  
13 speaking to him on the phone. I don't know.

14 Q. We talked about Robert's Rules a little bit  
15 earlier. Regarding filming during a public meeting, what  
16 knowledge do you have regarding rules and laws related to  
17 filming during public meetings?

18 A. From what I understand, you are allowed to  
19 film. You're allowed to record.

20 Q. Do you know if the commissioners, to the  
21 best of your knowledge, ever passed any rules dictating  
22 how a person may record during a meeting?

23 A. I don't.

24 Q. So you're not aware of any regulations  
25 regarding recordings during a meeting?

1 A. No, sir.

2 Q. Do you know if the commissioners had any  
3 rules about where a person can and cannot stand during a  
4 meeting?

5 A. No, I don't.

6 Q. Do you know if the commissioners have even  
7 passed specific rules of decorum that they apply during  
8 their meetings?

9 A. No.

10 Q. Have you received any rules of decorum  
11 during meetings?

12 A. No.

13 Q. So you said that you worked multiple  
14 meetings in the past and no one's ever presented you with  
15 any rules of decorum?

16 A. Correct.

17 Q. No one educated you on rules of decorum they  
18 applied in the meetings?

19 A. Correct.

20 Q. Okay. So how would you know if someone's  
21 breaking them?

22 A. If they're breaking the rules?

23 Q. Yes.

24 A. We were just there for security purposes.

25 Q. Okay. I understand that's what you're

1 saying.

2 A. Yeah. So I don't know what the rules of  
3 decorum --

4 Q. Uh-huh.

5 A. What are those?

6 Q. Well, I was asking you.

7 A. That's what I don't understand your  
8 question. What are the rules of decorum?

9 MR. MILLER-NOVAK: Okay. If you don't  
10 mind, I'll explain it to him.

11 Q. So the rules of decorum typically are rules  
12 that a government body creates that dictates how a meeting  
13 functions. That's the simplest explanation I can give  
14 you, right?

15 A. Okay.

16 Q. Obviously things are usually a bit more  
17 complex than one sentence.

18 A. I understand.

19 Q. But has anybody ever presented you with any  
20 rules explaining the procedures and process for the  
21 conduct of a meeting during a commissioners' meeting?

22 A. No, not that I recall, I don't.

23 Q. Okay. So you said -- when I asked that  
24 question earlier, you said something about you were only  
25 there for security.



1 A. Yes.

2 Q. Okay. What do you mean by that?

3 A. We were there -- we were at the meetings  
4 because the commissioners requested us to be in the  
5 meetings for security purposes, I guess in case there's  
6 an issue or if somebody violates the law.

7 Q. Okay. So you were there to protect the  
8 commissioners; is that what you mean?

9 A. No.

10 Q. Can you elaborate a little bit?

11 A. Yeah. I mean, I don't know if we're there  
12 to protect the commissioners. We were there at the  
13 commissioners' request, from what I understand. I was  
14 there because my lieutenant said that we need to be up  
15 in the meetings for security purposes. As for  
16 protecting the commissioners, I'm sure we were probably  
17 protecting the whole room, I would say.

18 Q. Uh-huh.

19 A. Yeah.

20 Q. I get your point.

21 A. You know what I'm saying? Like, I'm not  
22 protecting just the commissioners. I'm sure in case  
23 something else happened, somebody comes in with a  
24 weapon, you know what I'm saying? I guess we're just  
25 there for security purposes.

1 Q. For human safety?

2 A. For human safety, yeah.

3 Q. So when you said that you were asked to be  
4 there, who asked you?

5 A. I believe I was told by my lieutenant --  
6 my supervisor, Lieutenant Kaintz.

7 Q. Kaintz?

8 A. Uh-huh.

9 Q. That the commissioners requested deputy  
10 presence?

11 A. I guess.

12 Q. Do you know which commissioners?

13 A. I do not.

14 Q. Okay.

15 A. From -- that came down from higher than --  
16 probably higher than him down.

17 Q. So kind of rolled down the chain of command?

18 A. I would -- I hate to say it, but I would  
19 assume, yes.

20 Q. Okay. You don't necessarily know the  
21 original origin, correct?

22 A. Correct.

23 Q. All right. So you weren't there to enforce  
24 the commissioners' rules of decorum then?

25 A. I don't know the commissioners' rules of

1 decorum, but, no, I was not there to enforce any rules.

2 Q. Okay. At any time did Commissioner Frenchko  
3 present any risk to the human safety of people in the  
4 meeting?

5 A. Risk of human safety? I'd say no.

6 Q. She didn't present any signs of violence?

7 A. No.

8 Q. Did she brandish a deadly weapon of any  
9 sort?

10 A. Not -- no.

11 Q. Did she threaten anybody physically during  
12 that meeting?

13 A. No.

14 Q. Did she engage in any fighting words during  
15 that meeting?

16 A. No.

17 Q. At any time did you think that any human  
18 being was at any risk of physical harm during that  
19 meeting?

20 A. No.

21 Q. Well, I think you know why we're here. You  
22 and Deputy Wix arrested Commissioner Frenchko, right?

23 A. Yes.

24 Q. You get that's the general gist of why we're  
25 talking today?

1 A. I would assume.

2 Q. Okay. What led to that arrest?

3 A. Going off memory, Sergeant Wix and I were  
4 in the back of the room. From what I understand, the  
5 clerk was reading something into the record. There was  
6 a lot of, all of a sudden, commotion, it seemed like.  
7 People were -- people were -- Commissioner Frenchko got  
8 up off of her chair, walked around to the front, and  
9 while the clerk was reading, she was out in front of her  
10 and she was -- I think she was on Facebook Live with her  
11 phone, and she was talking and talking over the  
12 commissioner -- or over the clerk. I'm sorry, not the  
13 commissioner, over the clerk, and she kept interrupting.

14 And at one time the clerk, like, she put paper up  
15 to her face and she was telling her to stop, and she  
16 said, well, if you -- she said something to the effect  
17 of, if you can't handle it, then you shouldn't be the  
18 clerk.

19 And the clerk had to stop several times, like,  
20 several times, and they -- Commissioner Frenchko was  
21 talking over the clerk, and then people from -- even  
22 people from the -- that were sitting out there, the  
23 public, were like, will you just stop. Will you just,  
24 like, let her -- like just stop.

25 And then she eventually went back and sat down and

1 continued to talk, and then I believe it was  
2 Commissioner Frenchko kept saying point of order. Point  
3 of order. She kept interrupting. She was -- he was  
4 trying to move on with the meeting. She -- she kept  
5 talking and interrupting him, and he kept saying point  
6 of order. Let's move on. Let's move on. And I think  
7 Commissioner Cantalamessa may have even said let's move  
8 on; let's continue with the meeting.

9 And she kept talking, and I think at that point in  
10 time Sergeant Wix and I -- and the public was like, this  
11 is ridiculous. She just kept going and talking and  
12 interrupting, and I believe that's when the decision was  
13 made to remove her from the meeting.

14 Q. Okay. Who made that decision?

15 A. Sergeant Wix and I were next to each  
16 other, and I think we both said, we have to do  
17 something. It was just -- it was out of control. Like,  
18 they were trying to move on, she wouldn't let it.

19 So Sergeant Wix went up and asked her to step out  
20 of her chair, and she really didn't comply. She didn't  
21 resist but didn't immediately comply. Like, well,  
22 what's going on? What's going on?

23 And then I remember hearing -- I think it was  
24 Commissioner Cantalamessa said, you know, you can  
25 actually be removed from the meeting; and then she

1 eventually stood up, and then we took her back into the  
2 other room away from everybody. I don't know. At that  
3 time -- I guess I'll stop there because that's -- you  
4 just asked what led to the arrest, right?

5 Q. We'll go back and we'll talk about it.

6 A. Yeah.

7 Q. Thanks. It was a thorough answer. So you  
8 could have removed her without arresting her, correct?

9 A. We could have. I believe so.

10 Q. Yeah. So at one point you said that the  
11 public told her to stop?

12 A. Yes.

13 Q. So was the public kind of blurting that out?

14 A. From what I remember hearing, it was  
15 somebody who was next to her was like kind of  
16 whispering, like, stop it. Stop it. Stop it.

17 Q. Yeah.

18 A. I wouldn't say they were blurting it out,  
19 but somebody was whispering, and I think you can even  
20 hear it in her video, on her Facebook Live video. You  
21 can hear that person saying stop it.

22 Q. Yeah.

23 A. Like kind of whispering, but not like  
24 shouting, like stop it, but just like, stop it. Come  
25 on. That's enough. So I don't know.

1 Q. So is the public allowed to participate in  
2 meetings?

3 A. So from what I understand, this probably  
4 goes back to Robert's Rules, which I'm not aware of. I  
5 do know at the end of the meetings they allow the public  
6 to have two minutes to speak maybe. They set a timer.  
7 They allow the public to speak. They kind of regulate  
8 that. It's supposed to be on whatever, and then -- I  
9 think it's two minutes. Or is it three? I think it's  
10 two minutes maybe. I don't know. They let the public  
11 speak at the end of the meeting.

12 Q. But generally speaking, they're not allowed  
13 to talk when it's not public participation time, correct?

14 A. Well, not unless they're asked to. I've  
15 also seen where, like, during the meeting if you have  
16 something on the agenda -- if you have something on the  
17 agenda, they might call you up to talk about it.

18 Q. Okay. So you mentioned that Commissioner  
19 Frenchko comes out and she's got a camera?

20 A. I believe it was her phone.

21 Q. Phone, yeah. Camera phone. Sorry. They're  
22 synonymous.

23 A. Yeah, yeah.

24 Q. Sorry.

25 A. That's okay.

1 MR. YOSOWITZ: One at a time.

2 MR. MILLER-NOVAK: Yep.

3 Q. I told you we were going to screw up.

4 A. Sorry.

5 Q. That's all right. So -- and you mentioned  
6 that Paula put a piece of paper in front of her face,  
7 correct?

8 A. I believe so, yes.

9 Q. And she told Commissioner Frenchko to stop  
10 recording her, correct?

11 A. I don't know if she said stop recording  
12 me. She may have said stop recording me or don't record  
13 me or stop or something to that effect.

14 Q. Okay. Do you know whether or not she has  
15 the authority to order a commissioner stop recording?

16 A. I do not know.

17 Q. Okay. Earlier you said that people are  
18 allowed to record, correct?

19 A. As far as I'm aware, yes.

20 Q. And that you didn't know of any rules where  
21 people could stand while they're recording?

22 A. Correct.

23 Q. And you don't know whether or not a clerk  
24 can tell a commissioner to stop recording during a  
25 meeting?



1 A. Correct.

2 Q. Is it your understanding a clerk is actually  
3 an employee of the commissioners?

4 A. Correct.

5 Q. Okay. So typically speaking, let's just say  
6 in their order of rank, here's the commissioners, and the  
7 clerk is underneath them, correct?

8 A. Correct.

9 Q. When you talk to your superiors, do you give  
10 them commands?

11 A. No.

12 Q. And if you gave them a command, do you think  
13 they need to listen to you?

14 A. No.

15 Q. And if you gave them a command and they  
16 didn't agree with it, do you think they can tell you that  
17 they're going to do it?

18 A. I'm sorry. Can you repeat that?

19 Q. If you gave a superior a command and he  
20 didn't want to listen to you, do you think he has the  
21 right to tell you he's not going to listen to you?

22 A. Yes.

23 Q. Okay. When you said that she was  
24 interrupting the clerk while the clerk was speaking --

25 A. Yes.

1 Q. -- do you remember what Commissioner  
2 Frenchko was saying?

3 A. No, but can I check my notes real quick?

4 Q. We'll get to those. I know you have a  
5 report.

6 A. I have a report.

7 Q. Let's hold off.

8 A. Want me to do it from memory? I don't  
9 remember what she was saying, no. I just remember she  
10 kept interrupting and saying stuff. I don't remember  
11 what she was saying.

12 Q. Do you recall whether or not she was  
13 objecting to the agenda or mentioned the agenda at any  
14 point?

15 A. I don't.

16 Q. Okay. In your opinion, because you said you  
17 don't understand -- or at least you don't know Robert's  
18 Rules of Order, are you aware of how and when  
19 commissioners are allowed to object in their own meeting?

20 A. No.

21 Q. Okay. Are you aware of when they can and  
22 when they cannot interrupt one another?

23 A. No.

24 Q. Okay. If the meeting was being conducted by  
25 commissioners and members of the public kept interrupting

1 the commissioners while they were talking, would you think  
2 that that was wrong?

3 A. If the meeting was --

4 Q. That was a terrible question. Do you want  
5 me to just do it over?

6 A. Yeah, could you?

7 Q. That's okay. I told you, man. Like jazz  
8 here. I'm making some of this stuff up as we go.

9 A. That's fine.

10 Q. I hit a wrong note every now and then. So  
11 would you agree that members of the public -- would you  
12 agree with this statement: It's pretty clear that members  
13 of the public can't blurt things out at any time during  
14 the meeting?

15 A. I believe they shouldn't.

16 Q. Okay. But three commissioners, it's their  
17 meeting, correct?

18 A. I guess. I don't know. I think one of  
19 them runs the meeting. I don't know if it's their  
20 meeting. I know it's a meeting open to the public. I  
21 don't know if it's their meeting.

22 Q. It's a meeting for commissioner business,  
23 correct?

24 A. I would say so, yes.

25 Q. And you've been to other meetings, and the

1 commissioners talk about the business, correct?

2 A. That's correct, yes.

3 Q. And all three of them talk about their  
4 business, correct?

5 A. That's correct.

6 Q. And sometimes -- you said it, sometimes they  
7 interrupt each other, correct?

8 A. Yes.

9 Q. Okay. So do you know when it's okay to  
10 interrupt one another and when it's not?

11 A. I guess as long as you're not preventing  
12 the meeting from going on. I guess they can interrupt  
13 each other. I mean, as long as you're not preventing  
14 the meeting from continuing, which in this case it was.  
15 I mean, they would argue and bicker back and forth, so  
16 you know.

17 Q. Okay. So you don't know?

18 MR. YOSOWITZ: Objection. Go ahead.

19 A. What was the question? Do I know when  
20 they can --

21 Q. Yeah. When is it okay to interrupt one  
22 another?

23 A. I don't know.

24 Q. Okay. After she -- after Paula was done or  
25 during Paula's reading of the letter, had you or Wix at

1 any point warned Commissioner Frenchko about her conduct?

2 A. I don't think so. I don't recall, but I  
3 don't think so.

4 Q. Okay. Did you ever warn her at all before  
5 arresting her?

6 A. No, I don't think so.

7 Q. Okay. Would you agree with this statement,  
8 that rules and laws need to be applied to people equally  
9 regardless of their viewpoints?

10 A. Yes.

11 Q. So when she's done -- when Paula's done  
12 reading, you didn't arrest Commissioner Frenchko at that  
13 time?

14 A. No.

15 Q. Okay. When Commissioner Frenchko sits down  
16 and she starts responding, do you remember that?

17 A. I don't -- she was talking. I don't know  
18 what she was -- if it was responding or --

19 Q. Okay. You don't know whether or not she was  
20 trying to respond to the allegations that Sheriff Monroe  
21 had read into the record?

22 A. No, I don't.

23 Q. You don't?

24 A. No.

25 Q. So you don't know what she was saying?

1 A. No. She was just -- it was -- she was  
2 trying to talk, Frank was talking over her, Frank was  
3 hitting his gavel, point of order, point of order.  
4 Commissioner, stop talking. So I don't know what she  
5 was talking about.

6 Q. Well, how do you know that Frank was able to  
7 pound his gavel at that time?

8 A. Because Frank is, from what I understand,  
9 the chairperson, or Frank was the Chair or -- who ran  
10 the meetings, from my understanding.

11 Q. Do you know whether or not Robert's Rules or  
12 any rules of decorum actually dictate what a chair can and  
13 cannot do?

14 A. I don't know. I'm not familiar with  
15 Robert's Rules.

16 Q. Okay. Then how do you know when someone is  
17 breaking them?

18 A. From -- it appeared, and I believe that  
19 she was breaking the law, not Robert's Rules. She was  
20 breaking the law, not Robert's Rules. I don't know  
21 about Robert's Rules, but it was preventing the meeting  
22 from going on, and -- with the constant interruption,  
23 so --

24 Q. What's the law you think she broke?

25 A. Disrupting a public meeting.

1 Q. What does it say?

2 A. Off memory? Something along the lines of  
3 no person shall prevent or obstruct a meeting by doing  
4 anything that interferes with the due conduct of the  
5 meeting, something like that. I don't know -- I think  
6 there's more there. There's also several -- there's  
7 subsections.

8 Q. And one talks about outraging the  
9 sensibilities of the group?

10 A. Of the group, yes. You know, see?

11 Q. Yeah. Okay. Well, what subsection did you  
12 arrest her on?

13 A. I think it was A, do anything that -- I  
14 think it's A or 1. The one that prevents or -- no  
15 person shall do anything to interrupt or obstruct a  
16 meeting. I don't know if it's A or 1, without looking.  
17 I would have to check.

18 Q. The police report didn't designate any of  
19 that, though, did it?

20 A. No. I don't know.

21 Q. Okay. So when Mr. Wix had arrested her, did  
22 you tell him the exact law that cited the conduct?

23 A. No.

24 Q. Did you tell him what subsection she was  
25 going to be arrested under?

1 A. We didn't discuss that.

2 Q. Okay. When he arrested her and approached  
3 her, he pulled her chair before telling her that she was  
4 under arrest, didn't he?

5 A. I don't know.

6 Q. His first act and interaction with her was  
7 to yank her chair, wasn't it?

8 MR. YOSOWITZ: Objection.

9 A. I don't --

10 MR. YOSOWITZ: Go ahead.

11 A. I don't know. I don't know. I don't know  
12 what Sergeant Wix was doing or thinking at the time of  
13 the arrest. I don't know.

14 Q. Okay. If I were to represent to you I've  
15 watched the video, and before he says anything to her he  
16 yanks her chair; would you disagree with that?

17 MR. YOSOWITZ: Objection. That's not what  
18 the video shows, but you can answer.

19 A. I don't know. I don't know if he yanked  
20 the chair or not.

21 Q. You don't know whether or not he yanked her  
22 chair?

23 A. Correct.

24 Q. Okay. Do you think it was necessary to yank  
25 her chair if he did?



1 MR. YOSOWITZ: Objection. Assumes facts  
2 not in evidence. Go ahead.

3 A. I'm sorry. Can you repeat that?

4 Q. Do you know whether or not -- or do you  
5 believe it was necessary to yank her chair?

6 MR. YOSOWITZ: Objection. Go ahead.

7 A. Necessary? I don't know. I don't know if  
8 he did yank her chair. I don't know why he would have  
9 yanked the chair. Did he tell her to stand up and she  
10 didn't stand up?

11 Q. Not here to answer questions. I'm sorry.

12 A. I don't know. That's what I'm saying. I  
13 don't know. I don't know -- I don't know what a yank  
14 is. I mean --

15 Q. Pulled her chair. Do you know whether or  
16 not he pulled her chair?

17 A. I think in the video that I've seen he has  
18 his hand on the chair. I don't know if he pulls it or  
19 not or yanks it. I don't know if she moved the chair  
20 back like this. I don't know.

21 Q. Okay.

22 A. So I don't know what he did.

23 Q. So the commissioners were debating at that  
24 time. Is that safe to say?

25 A. At what time?

1 Q. At the time of the arrest.

2 A. I don't think that's safe to say. I don't  
3 think they were debating. I think she was interrupting  
4 and preventing the meeting from going on. I don't know  
5 if debating is the right word.

6 Q. They were arguing, were they not?

7 A. I guess if you want to consider that  
8 arguing. Frank's telling her to be quiet, we're moving  
9 on. She says no. I don't know if -- I don't know if  
10 Commissioner Cantalamessa was speaking. I guess if that  
11 fits under argument, then maybe.

12 Q. So you said Mr. Cantalamessa was speaking.  
13 He's not --

14 A. I said I don't know if he was.

15 Q. So you don't know whether or not -- earlier  
16 you said that he said something about you can be removed  
17 from a meeting, correct?

18 A. That was while she was being arrested.

19 Q. Okay. So you don't know that at one point  
20 he said, you're being disruptive. You're talking about  
21 the top law enforcement official in the county?

22 A. I do remember hearing him say you're being  
23 disruptive.

24 Q. Okay. And that happened before the arrest,  
25 correct?

1 A. I think it happened as Sergeant Wix was  
2 walking up. I could be wrong. I'm just going off  
3 memory.

4 Q. Okay.

5 A. I think -- I think maybe as Sergeant Wix  
6 was walking up, he said, you're being disruptive, and  
7 that's all I remember hearing. I don't know if it was  
8 top law enforcement agency or whatever. I don't know.  
9 But I remember hearing him say, you are being  
10 disruptive, yes.

11 Q. Okay. So Mr. Cantalamessa's not the  
12 presiding officer, right?

13 A. As far as I'm -- as far as I understand,  
14 no.

15 Q. Okay. So what gives him the ability to just  
16 shout things out when he wants to?

17 A. They were all -- I don't know.

18 Q. Okay. Do you know whether or not Mr. Fuda  
19 was following the rules of decorum when he told her to  
20 stop talking and they were going to move on?

21 A. I do not.

22 Q. Okay. So how do you know that he was  
23 correct?

24 A. I don't.

25 Q. Okay. So earlier you said you chose to

1     arrest her because he was saying we need to -- we're  
2     moving on, correct?

3     A.             Correct.

4     Q.             How do you know whether or not under the  
5     rules of decorum that she had the ability to talk at that  
6     time?

7     A.             Just because Frank was saying that we're  
8     moving on to finish the meeting and we're going to move  
9     on, and he was shouting point of order, and she just  
10    continued to speak over him.

11    Q.             Okay. Earlier you said that you agreed that  
12    rules should be applied evenly regardless of viewpoint,  
13    correct?

14    A.             Correct. I did say that.

15    Q.             If you don't know what she's saying, how do  
16    you know that that was what was happening at the time?

17    A.             What do you mean if I don't know what she  
18    was saying?

19    Q.             Well, you said you have no idea what she was  
20    saying when she was being arrested, correct?

21    A.             Right.

22    Q.             All right. And you said that in previous  
23    meetings the commissioners interrupt one another, correct?

24    A.             Correct.

25    Q.             Okay. Well, how do you know that Frank

1 wasn't treating her different because of her viewpoints?

2 A. I don't know.

3 Q. You don't know?

4 A. I don't know. I don't know if Frank was  
5 treating her differently at all.

6 Q. Okay.

7 A. Because of the viewpoints.

8 Q. But you arrested her?

9 A. We did.

10 Q. Okay. And you end up filing charges,  
11 correct?

12 A. Correct.

13 Q. Okay. Did you investigate and look at prior  
14 meetings to see whether or not complaints were treated  
15 differently before filing charges?

16 A. No.

17 Q. So you did no background research to find  
18 out whether or not the rules of decorum were applied  
19 evenly before filing charges?

20 A. Correct.

21 Q. Okay. Would you agree that as an officer,  
22 it's your duty to make sure that you're not inadvertently  
23 used as a political operative?

24 MR. YOSOWITZ: Objection. Go ahead.

25 A. Can you repeat that question?

1 Q. Yes. Like, it's your job to make sure --  
2 I'm just going to clarify it. It's your job -- would you  
3 agree it's your job to enforce the law equally?

4 A. Correct.

5 Q. And it's your job to make sure that you're  
6 enforcing the law equally, correct?

7 A. Correct.

8 Q. So before you arrest somebody, you should  
9 have a good idea whether or not you're enforcing the law  
10 equally, correct?

11 A. Correct.

12 Q. And before you file charges, you have a duty  
13 to make sure that you're applying the law equally,  
14 correct?

15 A. I don't know where you're going here, but  
16 at the time we believed she violated the law, and she  
17 was arrested.

18 Q. Okay. But do you know whether or not that  
19 law was being applied evenly?

20 A. I don't know.

21 Q. And equally?

22 A. What do you mean by equally?

23 Q. Well, do you know whether or not people  
24 conducted the same conduct and were not arrested as  
25 opposed to her because of her viewpoints?

1 A. At that meeting?

2 Q. At any meeting.

3 A. She wasn't arrested because of her  
4 viewpoints. She was arrested because she was  
5 interrupting the meeting.

6 Q. How do you know she was interrupting the  
7 meeting?

8 A. Because the chairperson was telling the  
9 clerk to move on, and we were going to continue on with  
10 the meeting.

11 Q. So because the chairperson said that she was  
12 being disruptive, you believe she was being disruptive?

13 A. No, not because of the chairperson.

14 Q. But he said she was being disruptive?

15 A. I believe so.

16 Q. And that he wanted to move on?

17 A. Yeah. I think they all wanted to move on,  
18 except Commissioner Frenchko, I believe.

19 Q. Did they motion and vote to move on?

20 A. I don't know. I don't know.

21 Q. At any point did you hear Commissioner Fuda  
22 call out Wix's name?

23 A. No.

24 Q. So it's your testimony today that  
25 Commissioner Fuda did not call for Sergeant Wix?

1 A. No. My testimony today is that I did not  
2 hear him say it. If he said it, I didn't hear it. I  
3 don't remember either one of our names being called.

4 Q. So you're saying that you arrested  
5 Commissioner Frenchko because you believe that she was  
6 disrupting the meeting?

7 A. Correct. I believe at the time she was  
8 disrupting the meeting, yes.

9 Q. Okay. Do you know why she was disrupting  
10 the meeting?

11 A. At the time, no.

12 Q. Okay. Explain that. What do you mean by at  
13 the time, no?

14 A. Well, after and watching the video, from  
15 what I understand, it was because of this letter -- she  
16 was outraged over the letter or something, I believe.

17 Q. She was trying to respond to it.

18 A. We didn't know -- I didn't know that at  
19 the time, but now I know that she was trying to respond  
20 to it, correct.

21 Q. Okay. So she was trying to respond to the  
22 letter. After the time you arrested her and before you  
23 filed charges, did you watch the video?

24 A. No.

25 Q. Okay. So you're saying now that you watched



1 the video, it appears that she was trying to respond to  
2 the letter because she was angry about it. Is that kind  
3 of your impression now?

4 A. I'd say that's fair.

5 Q. And when you reviewed the footage, did you  
6 hear her object to the order of the agenda?

7 A. That, I don't know. I don't recall.

8 Q. So when she was -- when you watched -- when  
9 did you watch the video? When did you first watch it?

10 A. I don't know. I know I viewed it with my  
11 attorney. I don't know when I first watched it.

12 Q. So earlier you said your impression was that  
13 she was upset and she was trying to respond to the letter?

14 A. I'd say that's fair.

15 Q. Okay. Is there anything in the video you  
16 watched that gave the appearance that she came to the  
17 meeting that day to derail the meeting?

18 A. I don't know what she -- I would hope she  
19 wouldn't come there to derail the meeting. I don't  
20 know. I don't know. I can't testify to what her  
21 intentions were.

22 Q. Isn't that necessary?

23 A. What's that?

24 Q. To understand what her intentions were,  
25 isn't that necessary?

1 A. Necessary for what?

2 Q. To arrest her.

3 A. I don't believe so. I don't believe that  
4 if she had the intentions to disrupt the meeting or if  
5 it just happened. At the time we believed she was  
6 disrupting the meeting. Like I said, I don't know what  
7 her intentions were to derail -- did you say derail?

8 Q. Yeah.

9 A. To derail the meeting. I don't know if  
10 that was her intentions at the beginning of the day or  
11 not. I would hope not. I would hope she doesn't come  
12 into the meetings with intentions to derail them.

13 Q. Okay. That's necessary to determine; do you  
14 disagree with that?

15 A. I do.

16 Q. You did disagree that it's necessary to  
17 determine her intentions?

18 A. For the whole meeting?

19 Q. Regarding the disruption.

20 A. I do disagree.

21 Q. Why do you disagree?

22 A. Because if you come to -- I don't know  
23 what her intentions are if she comes to the meeting with  
24 intention on derailing it, because her intentions could  
25 change.

1 Q. Did you make a determination of her -- what  
2 you considered her intentions to be at the time of the  
3 disruption?

4 A. Can you repeat that?

5 Q. Before filing charges, did you make a  
6 determination what her intentions were while she was  
7 disrupting the meeting?

8 A. No.

9 Q. Okay. And you said after she was charged  
10 during this lawsuit you reviewed the video, and your  
11 impression is that she was upset about the letter and  
12 trying to respond to it, correct?

13 A. I believe that's what I take from it.

14 Q. So at the very beginning of this deposition  
15 we talked about a difference between purposeful and  
16 negligent crimes, correct?

17 A. Yes.

18 Q. Okay. And you understand that there's a  
19 difference between purposely doing something and  
20 accidentally doing something, correct?

21 A. Correct.

22 Q. And that that could lead to different  
23 charges and different crimes, correct?

24 A. Correct.

25 Q. Okay. Have you ever read the statute you

1 arrested her under?

2 A. I have.

3 Q. Would you agree it says no purpose -- no  
4 person with purpose to prevent or disrupt the meeting --  
5 disrupt a lawful meeting, procession or gathering shall do  
6 either of the following. Do you understand that?

7 A. Uh-huh, yes.

8 Q. So it says the words with the purpose.

9 A. Okay.

10 Q. Do you understand that as meaning you intend  
11 to disrupt the meeting?

12 MR. YOSOWITZ: Objection, but go on.

13 A. Yes.

14 Q. Okay. Which is opposed to different than an  
15 accidental or negligent disruption, correct?

16 A. Correct.

17 Q. Okay.

18 MR. MILLER-NOVAK: Take a break.

19 (Off the record.)

20 Q. Okay. We're back on. So what did you do to  
21 prepare for today's deposition?

22 A. I spoke with my attorney.

23 Q. Okay. Don't tell me any conversations you  
24 had with your attorney.

25 A. No problem.

1 Q. Those are yours.

2 A. Yes, sir.

3 Q. Did you review any documents?

4 A. I did.

5 Q. Okay. What documents did you review?

6 A. My narrative of the report.

7 Q. Okay. Is that it? You sounded like you  
8 were done. Do you have more?

9 A. No.

10 Q. Okay. Did you watch any videos before  
11 today?

12 A. With my attorney. Could I say that?

13 Q. Well --

14 MR. YOSOWITZ: You can tell him the videos  
15 that you watched, just don't tell him what we talked  
16 about.

17 Q. Right.

18 A. Okay.

19 Q. Perfect.

20 A. I watched --

21 Q. I agree with him.

22 A. I watched videos with my attorney, yes.

23 Q. Okay. What videos did you watch?

24 A. I've watched -- there is video footage of  
25 the commissioners' meeting that day that was from the

1 county cameras, and I believe we watched some of  
2 Facebook video from Commissioner Frenchko.

3 Q. Okay. Did you review any other documents  
4 besides your report?

5 A. I don't recall.

6 Q. Did you -- with your report, do you have any  
7 notes that you have that relate to that report?

8 A. No, sir.

9 Q. Okay. Did you witness Commissioner  
10 Frenchko's deposition yesterday?

11 A. No, sir.

12 Q. You didn't watch it?

13 A. No.

14 Q. Okay. Were you on duty yesterday?

15 A. I was.

16 Q. Okay. What were you doing on duty, just  
17 generally?

18 A. So I went and served a protection order  
19 yesterday. Well, I had to go several places to serve  
20 this guy a protection order.

21 Q. He was probably happy to see you.

22 A. He gave me the middle finger.

23 Q. Yeah.

24 A. I have a picture of that. He was not  
25 happy.

1 MR. BETRAS: They generally are not.

2 A. No, no. We've dealt with him and arrested  
3 him numerous times. He doesn't like the police to the  
4 point where he didn't even want to open the door. I  
5 served a protection order yesterday, served some other  
6 papers.

7 Q. Bearer of bad news.

8 A. Went to lunch.

9 Q. Yeah. Kind of the bearer of bad news  
10 yesterday, huh?

11 A. Yes, sir.

12 Q. All right.

13 (Whereupon Plaintiff's Exhibit 2 was marked.)

14 Q. Have you seen this document before that's  
15 marked Exhibit 2?

16 A. I have.

17 Q. Okay. What is it?

18 A. That is a CFS summary.

19 Q. Okay.

20 A. Which I believe means call for service,  
21 but I'm not sure. Looks like a report.

22 Q. Okay. And it cites -- I'm going to the  
23 third page. They're not numbered, so --

24 A. Okay.

25 Q. How's that? Best account. So but, yeah,

1 I'm looking. You're on the same page as I am. So it's 4?

2 A. Yes, yes.

3 Q. And the offense is disturbing a lawful  
4 meeting, and it cites code 2917.12. Do you see that?

5 A. I do.

6 Q. It's an M4, correct?

7 A. I believe so.

8 Q. Hate/bias it has an N, so I'm just assuming  
9 that's a designation of a hate crime or suspicion of one?

10 A. Our report system has a bunch of things.  
11 Let's see what's -- I don't know if it's on here.

12 Usually N is not a hate crime on --

13 Q. Okay. Disturbing a lawful meeting, when did  
14 you first read that statute?

15 A. I can't tell you when I first read it.

16 Q. Okay. Was it prior to this meeting?

17 A. So I reviewed prior to this meeting -- we  
18 had an incident back in February -- back in February  
19 where one of our guys -- one of our deputies was either  
20 in a meeting or called up there, and I think  
21 Commissioner Frenchko wanted somebody removed from a  
22 meeting, and he wouldn't do it. She berated him,  
23 belittled him, so I reviewed the -- I recall reviewing  
24 the statute around then.

25 Q. Okay. Why did Commissioner Frenchko want



1 the person removed from her meeting?

2 A. I don't know.

3 Q. Who was the deputy that --

4 A. Deputy William Ross, R-O-S-S, no relation.

5 Q. Okay. What's that in front of you?

6 A. It is something that I typed up on the  
7 incident. It's one of my notes, I guess.

8 Q. Can I see it?

9 A. Yeah, absolutely.

10 Q. Sure. Thanks.

11 MR. BETRAS: Let me see.

12 Q. Okay.

13 A. It's not an actual police report. It's  
14 just something that we typed up -- I typed up on the  
15 incident that day to help remember.

16 Q. Okay. Why did you bring that today?

17 A. Just so I remembered the date of about  
18 when that incident took place.

19 Q. Okay. Why did you think that was relevant  
20 to the deposition today?

21 A. I don't know. Just because I figured it  
22 might be.

23 Q. Okay. Did you have any discussions with  
24 anybody besides your attorney about bringing that today?

25 A. No.

1 Q. So was that created at the time of the  
2 incident, or was that created today?

3 A. It was created at the time of that  
4 incident.

5 Q. Okay. Do you know if this incident involved  
6 someone salsa dancing in the commissioners' meeting?

7 A. I do not.

8 Q. Okay.

9 A. I do not know what that incident entailed.

10 Q. Okay. Do you know if anyone was threatening  
11 Commissioner Frenchko or anything like that?

12 A. I do not, no.

13 MR. MILLER-NOVAK: Okay. Has this been  
14 produced to us; do you know?

15 MR. YOSOWITZ: I don't think so.

16 MR. MILLER-NOVAK: We've had a few things  
17 go back and forth.

18 MS. SUDHOFF: I don't know if you want to  
19 go on or off the record.

20 MR. MILLER-NOVAK: Let's go off the  
21 record. That's fine.

22 (Off the record.)

23 MR. MILLER-NOVAK: Back on.

24 Q. All right. So I'm going to page -- that's  
25 not 4. Darn it. Why do you guys not number these things?

1 It's really inefficient. You guys got to work on that.

2 A. I agree.

3 Q. So it would be 4, 5 -- I guess it's 6.

4 Looks like your narrative. It says on July 7th, 2022.

5 A. Uh-huh. That's correct.

6 Q. Okay. All right. So the first paragraph is  
7 just somewhat of a preamble. So starting in the second  
8 paragraph, it says, during the public meeting,  
9 Commissioner Fuda asked the commissioners' clerk, Paula J.  
10 Vivoda-Klotz, to read a document. Do you see that?

11 A. Correct.

12 Q. While Vivoda-Klotz was speaking,  
13 Commissioner Frenchko was seated at the commissioners'  
14 desk, got out of her chair with her cell phone in her hand  
15 and walked around the desk and sat in the front row of the  
16 public seating area. Do you see that?

17 A. Yes.

18 Q. And it records the things you said earlier  
19 about her holding her phone up and continuously  
20 interrupted Vivoda-Klotz by speaking and making  
21 utterances. Do you see that?

22 A. Yes.

23 Q. It says Commissioner Fuda used his gavel  
24 more than once while saying point of order. Do you see  
25 that?

1 A. Yes.

2 Q. Okay. You said in previous meetings that  
3 you had witnessed similar things happen, correct, with  
4 point of order?

5 A. I've heard -- yes.

6 Q. Okay. It says Commissioner Fuda told  
7 Commissioner Frenchko to allow her to finish speaking and  
8 to stop interrupting her. Do you see that?

9 A. Stop interrupting her, yes.

10 Q. Okay. It says, at one time Vivoda-Klotz  
11 became so visibly upset she had to stop speaking.  
12 Commissioner Frenchko says, nice, to her in a  
13 condescending manner.

14 A. Uh-huh.

15 Q. Do you see that?

16 A. Yes.

17 Q. Why does that matter?

18 A. I just -- she was. She was -- she just  
19 said -- she was like, oh, nice, and then she proceeded  
20 to say something about, if you're uncomfortable being on  
21 camera, then you shouldn't be the clerk.

22 Q. Okay. So you heard Commissioner Frenchko  
23 say that with your own ears?

24 A. Yes.

25 Q. Earlier when I asked you what she was

1 talking about when she sat back down, you said you didn't  
2 know.

3 A. Well, I remember bits and pieces. I  
4 remember that.

5 Q. Okay. But you could hear Commissioner  
6 Frenchko when she was speaking, correct?

7 A. Some of the stuff, yes. Because at one  
8 time we were in the back. We were seated in the back,  
9 and then we came up to the front; but when we were in  
10 the back, I couldn't hear what she was saying.

11 Q. Towards the bottom it says, Sergeant Wix  
12 asked Commissioner Frenchko to stand up out of her chair  
13 several times before she complied. Next it says,  
14 Commissioner Cantalamessa advised Commissioner Frenchko  
15 that she could be removed for disturbing a lawful meeting.  
16 Do you see that?

17 A. It says disrupting.

18 Q. Disrupting a lawful meeting. Do you see  
19 that?

20 A. I do.

21 Q. So you wrote that?

22 A. I did.

23 Q. So you heard Commissioner Cantalamessa say  
24 that she can be removed for disturbing a lawful meeting?

25 A. Disrupting.

1 Q. Disrupting. Sorry.

2 A. But, yeah, no -- yeah, I think I testified  
3 to that earlier. I said the same thing.

4 Q. Okay.

5 A. I believe I heard him say, yeah, you can  
6 be removed for disrupting a meeting. It might not be  
7 verbatim, but it was something like, yeah, he said, you  
8 can be removed for disturbing a meeting or lawful  
9 meeting or --

10 Q. So at that point in time, you never told  
11 Commissioner Frenchko that she was under arrest?

12 A. I did not.

13 Q. Okay. And neither did Sergeant Wix, did he?

14 A. I don't -- I don't know. I can't -- I  
15 don't think at that time. I think he said -- I think he  
16 might have said you're being removed from the meeting.  
17 I'm not sure if he said arrested or removed from the  
18 meeting. One of the two.

19 Q. Okay. So you never told her until she was  
20 out in the hall that she was going to be arrested,  
21 correct?

22 A. I believe that's correct.

23 Q. Okay. So when Sergeant Wix told her to get  
24 out of her chair, he just said to get up, correct?

25 A. I don't recall what Sergeant Wix said.

1 Q. Okay. Well, if he didn't tell her inside  
2 the meeting before telling her to get up that she was  
3 under arrest or being arrested, why would she have any  
4 impression that she needs to comply with his order to get  
5 out of her chair?

6 MR. YOSOWITZ: Objection. Go ahead.

7 A. I don't know if he told her she was  
8 being -- I think he may have said, you're being removed  
9 from the meeting. I don't recall.

10 Q. Okay. And you handcuffed Commissioner  
11 Frenchko, correct?

12 A. So I believe I -- I can't remember. In my  
13 report, I think I put -- I mean, this was over a year  
14 ago -- Sergeant Wix placed a handcuff on Commissioner  
15 Frenchko's right wrist as I was asking her to set her  
16 phone down. She was holding her cell phone and  
17 eyeglasses in her left hand and said I had to take her  
18 phone and eyeglasses out of her hand because she refused  
19 to comply before placing a handcuff on her left wrist,  
20 which is what I did.

21 So then I placed -- and then she was complaining of  
22 a lack of mobility in her shoulder, so I put a second  
23 pair of cuffs on her, asked her if that was fine, she  
24 said yes. So I did take part in the handcuffing, yes.

25 Q. Yeah. Earlier you mentioned that at no

1 point did you think she posed any physical harm to  
2 anybody, correct?

3 A. Correct.

4 Q. Okay. Did you have any reason to suspect  
5 that she was armed?

6 A. No. I believe she was wearing maybe a  
7 dress, sundress. I don't -- I couldn't tell if she had  
8 a weapon on or not, and as I put in my report, we didn't  
9 do much of a pat-down because she is a female, and what  
10 she was wearing, until we could get a female to do that,  
11 which is typically what we like to do.

12 Q. When she was out in the hall, was she  
13 resisting in any manner physically?

14 A. No.

15 Q. Okay.

16 A. No.

17 Q. Disturbing a public meeting is a  
18 misdemeanor 4, isn't it?

19 A. I believe so.

20 Q. Okay. It's not exactly a high misdemeanor,  
21 then, is it?

22 A. I would say no.

23 Q. Okay. You didn't have to actually take her  
24 in custody, did you?

25 A. We made the decision to take her into



1 custody.

2 Q. How did you make that decision?

3 A. I don't know. Sergeant Wix and I spoke,  
4 and we just decided she was -- we were going to take her  
5 to the jail.

6 Q. You could have just issued her a summons,  
7 correct?

8 A. We could have. We did. I believe we did  
9 issue her a summons.

10 Q. I mean, you could have just basically given  
11 her a citation on the spot and let her go home, correct?

12 A. We have -- we have discretion. She was  
13 issued a summons in the jail, just long enough -- she  
14 was in the jail long enough to get patted down, booked  
15 in, and then we issued her her paperwork, and I believe  
16 she was released.

17 Q. After hours, correct?

18 A. No, I don't think it was that long.

19 Q. Okay.

20 A. I could be wrong. I don't know the exact  
21 time, but I don't think it was hours. I don't think it  
22 was -- I'm not sure the exact time.

23 Q. You could have escorted her down there  
24 without cuffing her, couldn't you?

25 A. No. She was under arrest, so we put her

1 in handcuffs. That's what we do.

2 Q. So there's a rule that anytime you arrest  
3 someone you have to cuff them?

4 A. Unless they're pregnant.

5 Q. Okay.

6 A. Unless they're a pregnant female. We're  
7 not allowed to cuff them anymore. There's a law.

8 Q. So Commissioner Frenchko mentioned some pain  
9 when she was cuffed, correct?

10 A. Let me check this real quick. Once in  
11 hand restraints, Commissioner Frenchko advised of  
12 several medical conditions, one being asthma, and then I  
13 wrote she stated which is why she was coughing during  
14 the meeting, and one being a lack of mobility in her  
15 shoulder.

16 Q. Uh-huh.

17 A. Once I put the double cuffs on, she -- I  
18 asked her, is that fine, and she said yes, or something  
19 along the lines. Not verbatim. I said, is that better?  
20 Yes.

21 Q. Last paragraph says that Commissioner  
22 Frenchko was being charged with ORC 2917.12, correct?

23 A. Correct.

24 Q. Disturbing a lawful meeting, a misdemeanor  
25 in the fourth degree?

1 A. Correct.

2 Q. How long do you recall her being in the  
3 jail?

4 A. I don't know.

5 Q. Who did you talk to --

6 A. I mean, I think it was just long enough  
7 for us to go issue the summons, they processed her in,  
8 processed her out. Usually that process is maybe an  
9 hour, but I don't know. I don't think they -- could be  
10 an hour, hour and a half.

11 Q. About an hour and a half. And what other  
12 deputies did you talk to while she was in the jail?

13 A. Sergeant Wix and I were doing our report.  
14 I don't recall who else came back there. There's  
15 office -- there's our office and then there's -- across  
16 from us is the deputy's office where they do their  
17 reports, and I don't remember -- I remember at one point  
18 in time, like I said, I think the sheriff maybe came  
19 back.

20 Q. You said she was in there for an hour and a  
21 half?

22 A. No, I don't know. I said typically the  
23 process takes -- if somebody's being booked in,  
24 processed in and released, I'd say probably an hour,  
25 hour and a half, I would think. Two hours, under two

1 hours. Maybe an hour and a half.

2 Q. What other deputies did you call -- who else  
3 is a deputy that you called while she was in the jail?

4 A. Call?

5 Q. Uh-huh.

6 A. I don't recall calling anybody. I don't  
7 know.

8 Q. What other deputies did you text message  
9 while she was in the jail?

10 A. I don't recall text messaging anybody  
11 while she was in the jail.

12 Q. Okay. It's your testimony today under oath  
13 you didn't text message anybody while she was in the jail?

14 MR. YOSOWITZ: Objection.

15 A. No. I'm not saying I didn't text anybody.  
16 I'm saying I don't remember texting anybody.

17 Q. Okay.

18 A. While I'm working I'm constantly texting  
19 and calling people.

20 MR. MILLER-NOVAK: I guess we're going to  
21 take a quick break.

22 MR. YOSOWITZ: Okay.

23 MR. MILLER-NOVAK: It will be like two  
24 minutes.

25 (Off the record.)

1 Q. Have you ever given anybody a speeding  
2 ticket without cuffing them?

3 A. Yes.

4 Q. Have you ever given anybody a second  
5 speeding ticket without cuffing them?

6 A. I don't know.

7 Q. You don't know when you've given someone a  
8 speeding ticket whether or not it's their second?

9 A. Sometimes if our MDTs are working it will  
10 list prior -- prior offenses, but yes. I don't recall  
11 whether I've cuffed -- did you say everybody?

12 Q. Yeah.

13 A. I mean, probably haven't cuffed everybody.

14 Q. Okay. So a second speeding ticket is an M4,  
15 correct?

16 A. I don't know. I don't know.

17 MR. YOSOWITZ: Time limitations.

18 MR. BETRAS: Second speeding ticket in two  
19 years, M4.

20 MR. YOSOWITZ: Didn't they make it three  
21 now? It doesn't matter.

22 MR. MILLER-NOVAK: Could be an M3?

23 MR. YOSOWITZ: No, no, no.

24 MR. MILLER-NOVAK: Three. Okay.

25 Q. So it's possible --

1 MR. YOSOWITZ: They've changed the  
2 predicate offenses to enhance speed, the number needed  
3 may have changed. It changed for some offenses. It  
4 doesn't matter.

5 Q. So you don't know if you've ever charged  
6 someone with an M4 speeding ticket without cuffing them?

7 A. Correct.

8 Q. Okay. But you can issue a citation without  
9 cuffing somebody?

10 A. Yes.

11 Q. And taking them into custody?

12 A. Typically if we take them into custody,  
13 they're going to jail.

14 Q. You can arrest somebody without taking them  
15 into custody. You can charge them without taking them  
16 into custody, correct?

17 A. Yes, for certain offenses.

18 Q. Okay.

19 MR. BETRAS: It just changed. You're  
20 right.

21 Q. Who's Louis Padula?

22 A. He's a deputy.

23 Q. And what does he do?

24 A. Well, he was a school resource officer.  
25 Now he's a civil -- civil deputy. Right now he is

1 assigned to the Common Pleas Courthouse.

2 Q. Who is Bret Henderson?

3 A. He is -- Bret was a -- he's a deputy now,  
4 and he is assigned to the transport unit. Former  
5 lieutenant with the state highway patrol.

6 Q. Who's James Iacozili (phonetic spelling)?  
7 Iacozili. You don't know?

8 A. I don't know him. James Iacozili?

9 Q. Who's Michael Geer?

10 A. He's a deputy. He is -- right now he's a  
11 resource officer at TCTC. During the summer, though --  
12 so during the summer, some of the resource officers come  
13 to the civil unit, or they go to the road. They'll bid.  
14 They come to the road -- so during that time, Michael  
15 Geer could have been assigned to the civil division, but  
16 he is a deputy.

17 Q. Do you know anyone with the last name Wells?

18 A. Yes.

19 Q. Who's that?

20 A. We -- he goes by Rodney. His name is  
21 William. William Rodney Wells. He's a deputy on the  
22 transport. Right now -- I think he's -- I think he's  
23 been assigned to transport unit in civil division since  
24 he started. I think it's been a little over a year,  
25 year and a half, two years maybe.

1 Q. Who is Michael Geer?

2 A. I just told you.

3 Q. Sorry.

4 A. That's okay. I can tell you again. He's  
5 a deputy.

6 Q. You don't have to tell me again, man.

7 A. He's a deputy.

8 Q. That's okay. Todd Coonce?

9 A. Todd Coonce is a captain at the -- I think  
10 he's a captain at the sheriff's office.

11 Q. Okay.

12 A. I think he's handling some of human  
13 resource stuff now maybe. I don't know.

14 Q. And who's Nick Backus?

15 A. He is a deputy. Right now he is assigned  
16 to the administration building, or he may have been  
17 assigned to -- during that incident, because I think  
18 he's been there for a while.

19 Q. What do you mean assigned during that  
20 incident?

21 A. During the date of the arrest.

22 Q. Yeah.

23 A. Yeah.

24 Q. He was assigned to what?

25 A. To the administration building. That's



1 his post. He's there like every day for security,

2 checking people when they come through the door.

3 Q. And you were text messaging him at 11:13

4 a.m., correct?

5 A. I don't recall text messaging anybody, but

6 if it says it on there, then I'm sure.

7 Q. So you're saying you don't recall text

8 messaging anybody the day of the arrest?

9 A. That's correct.

10 Q. You have no recollection of sending a single

11 text message to any single deputy the date of the arrest?

12 A. I'm sure I sent text messages. I'm sure I

13 made phone calls; however, I don't know who I talked to,

14 who I text messaged. I mean, it was over a year ago.

15 Q. And you don't remember what those text

16 messages would be about?

17 A. I'm sure they were work related.

18 Q. You think they were work related?

19 A. Could have been.

20 Q. Do you think they were related to your

21 arrest of Commissioner Frenchko?

22 A. I would doubt it.

23 Q. You would doubt it?

24 A. Yeah. I didn't text anybody about the

25 arrest of Frenchko.

1 Q. A minute ago you said you didn't recall what  
2 the text messages were about.

3 A. Well, if I would have -- if I would  
4 have -- if I talked -- if I text messaged him before the  
5 arrest, how would it be about the arrest? You said it  
6 was 11:13. That was prior to the arrest. So I could  
7 guarantee it wasn't about Commissioner Frenchko.

8 Q. What about if you text messaged people right  
9 after the arrest?

10 A. I don't recall texting anybody about the  
11 arrest.

12 Q. Okay. You don't recall?

13 A. Correct.

14 Q. Do you know what you text messaged them  
15 about?

16 A. No.

17 Q. Okay. So if you text messaged someone  
18 at 12:28 p.m. while Commissioner Frenchko was still in the  
19 sheriff's building, it would have nothing to do with  
20 Commissioner Frenchko?

21 A. Probably not.

22 Q. Probably not?

23 A. Yeah.

24 Q. Because you don't know --

25 A. I don't recall, yes.

1 Q. -- because you don't recall. If I were to  
2 tell you, for instance, that you text messaged Louis  
3 Padula -- you exchanged at least a dozen text messages  
4 with Louis Padula between 11:56 a.m. and 12:35 p.m. in the  
5 hour after arresting Commissioner Frenchko, you wouldn't  
6 recall what those text messages say?

7 A. No. It could have been about anything.  
8 So these guys are in my transport unit. Most likely --  
9 I think Lou was in the transport unit at the time, and  
10 sometimes it's about can you go get this prisoner, can  
11 you go get this person, can you do this, can you do  
12 that, we have a medical transport. It could be about  
13 anything.

14 Q. So it could be about anything?

15 A. Could be.

16 Q. Okay. Do you have your text messages from  
17 that day?

18 A. No.

19 Q. Why not?

20 A. Well, typically -- I'm in several group  
21 chats with several friends, fellow employees, deputies,  
22 and if -- say there's a transport unit of five of us and  
23 then somebody new comes in, that group chat is no good  
24 anymore, so we'll start a new group chat with that  
25 person in it, and now these messages are just taking up

1 space on my phone. So to create space on my phone, I  
2 periodically purge my messages and delete them.

3 Q. Okay. So you manually delete your text  
4 messages periodically?

5 A. Correct.

6 Q. Okay. And how frequently do you do that?

7 A. I don't know. Whenever I -- could be once  
8 a month. Whenever I just decide to go through it and do  
9 it.

10 Q. And you do it regardless of whether or not  
11 it's communications between deputies?

12 A. Correct.

13 Q. Related to work business?

14 A. Correct.

15 Q. This is going to be a little confusing for  
16 you. I'll tell you that now.

17 A. All right. I appreciate it.

18 Q. No problem. Brace yourself. I don't know  
19 how techie you are, but --

20 A. Not super techie.

21 Q. About to try.

22 MR. MILLER-NOVAK: Let's mark that 3.

23 (Whereupon Plaintiff's Exhibit 3 was marked.)

24 Q. Okay. Are you aware that I subpoenaed your  
25 phone reports?

1 A. Yes.

2 Q. Okay. And I'm going to tell you that I  
3 didn't receive any images, so I don't have any copies of  
4 any text messages you've sent on July 7th. This is a  
5 phone report. I'm going to hold out it's a phone report I  
6 received by AT&T in response to my subpoena --

7 A. Okay.

8 Q. -- that shows your phone logs.

9 A. Okay.

10 Q. Do you have any reason to dispute that?

11 A. I do not.

12 Q. Have you in your -- I guess it's possible  
13 you in your police or deputy career, have you ever  
14 subpoenaed phone logs or seen phone logs of a suspect?

15 A. I have not.

16 Q. Okay. I guess that's more detective stuff,  
17 right?

18 A. It is, yes.

19 Q. Okay. Well, I'm going to hold out to you  
20 that -- this is where it gets real nerdy, man. I learned  
21 a lot of stuff myself, so I'm going to do the best I can  
22 to explain it to you, okay?

23 A. Okay.

24 Q. If you have any questions, let me know.  
25 Have you ever heard of the UTC?

1 A. Yes.

2 Q. You have?

3 A. Yeah.

4 Q. Cool. Maybe you can explain it better to  
5 me. Do you know it means uniform --

6 A. I forget what it stands for, but I've  
7 heard of it.

8 Q. UTC. It's like uniform time.

9 A. Uniform time.

10 Q. Code?

11 MR. YOSOWITZ: Universal time coordinated.

12 A. He knows.

13 Q. It's on the record.

14 MR. YOSOWITZ: It's for pilots, really.

15 MR. MILLER-NOVAK: Actually, I think the  
16 history is for trains.

17 MR. YOSOWITZ: Well, now it's for  
18 aviation.

19 MR. MILLER-NOVAK: Yeah, for planes.

20 Q. My understanding is, Bobby, it's essentially  
21 the time code that is kind of like the median for other  
22 time codes, okay? Because there has to be kind of -- it's  
23 a start point. Kind of the like the analog clock, it's  
24 the 12:00, right?

25 A. Gotcha.

1 Q. That's my understanding. Apparently your  
2 attorney's much more techie than I am, and he's judging  
3 everything I say.

4 MR. MILLER-NOVAK: So do you have a better  
5 description?

6 MR. YOSOWITZ: I think sometimes it's  
7 called Greenwich Mean Time. I think it's the time where  
8 the prime meridian is.

9 MR. BETRAS: I know what UTC is from my  
10 boat. You have to adjust the grade marine on the boat.  
11 You have to find out because it will just put up the UTC  
12 time, and then you have to know the difference.

13 Q. You're learning all sorts of stuff today.

14 A. Boating, trains, probably airplanes.

15 MR. BETRAS: Everything's in UTC time, and  
16 you add or subtract so many hours from it.

17 MR. MILLER-NOVAK: Right. And I was going  
18 to get there. You guys can tell me how I'm wrong or  
19 something, clarify or explain it even in a more nerdy,  
20 elaborate fashion.

21 Q. My understanding is that eastern time during  
22 daylight savings it's four hours behind. So in summertime  
23 we're four hours behind the UTC; and the winter, for  
24 instance, we would be five hours behind, okay? Right?

25 MR. YOSOWITZ: Yes.

1 Q. I'm getting a thumbs up by your attorney.  
2 That's good enough for me. She seems better at it. All  
3 right. So I say that because when we look at these time  
4 codes -- and trust me, it's horrific. That's all I'm  
5 going to tell you. You got to subtract four hours from  
6 them.

7 A. Okay.

8 Q. Okay. So if it's -- and it's military time,  
9 which you're probably very cozy with that, right?

10 A. Little bit, yes.

11 Q. I'm not. I'm a civilian, so I had to do two  
12 things. I had to subtract four hours from military time  
13 and -- it wasn't pleasant, Bobby, but anyway. For  
14 instance, 18:01 hours -- you're looking at the first page,  
15 it says 18:01:49?

16 A. Okay.

17 Q. That's actually 1400 hours during the  
18 summertime. Do you understand that?

19 A. Gotcha.

20 Q. Which is 2:01:04 p.m., right?

21 A. Yes.

22 Q. Okay. Cool. I'm going to ask your counsel.  
23 I'm getting thumbs up over there, so I didn't blow it.

24 MR. YOSOWITZ: I wasn't really listening.

25 MS. SUDHOFF: I did the math on Google.



1 MR. MILLER-NOVAK: Helen's got me.

2 Q. Okay. And you can see at the top it says  
3 the run date is 6/29. Do you see that? You can see it on  
4 every single page.

5 A. 6/29? Yeah.

6 Q. It doesn't matter where you are.

7 A. Okay.

8 Q. That means that's the date that AT&T ran  
9 this report.

10 A. Okay.

11 Q. And the actual date, you can see the column  
12 like the second from the left; do you see that?

13 A. Uh-huh.

14 Q. That's the date of the connection.

15 A. Okay.

16 Q. And then the time is right to the right.

17 A. UTC.

18 Q. Yeah.

19 A. Okay.

20 Q. So military time minus four, okay?

21 A. Gotcha.

22 Q. All right. Here we go, man.

23 A. What page are you on?

24 Q. Well, I'm going to go to a date, because I  
25 don't know that these -- they are page numbered. See, if

1 your police reports were like this --

2 A. I agree with you.

3 Q. Talk to the top brass. All right. So I'm  
4 going to go to page 136, okay?

5 A. Okay.

6 Q. And that is the day of the arrest of  
7 Commissioner Frenchko, correct?

8 A. The 7th?

9 Q. Yes.

10 A. Correct.

11 Q. Okay. So you understand that -- do you see  
12 the little codes, it's got numbers and you just go in  
13 order on the very far left?

14 A. The item number?

15 Q. Yes.

16 A. Yes.

17 Q. So starting at 4844 --

18 A. Okay.

19 Q. -- that is at 15:07:51. That is UTC time,  
20 so that would be 11:07 a.m. Eastern Time. Do you  
21 understand that?

22 A. It does. I do.

23 Q. Okay.

24 A. I do. It does.

25 Q. I know, I know. Right. All right. So

1 these are the numbers that you were text messaging, so if  
2 you look at 13 -- if you look at 15:07, which is 11:07,  
3 which is before the arrest of Commissioner Frenchko, and  
4 then you get -- on the next page you see it goes to 16:12,  
5 which should be 12:12 p.m., so 1200 hours and 12 minutes.

6 Do you see that on item 4863? Do you see that?

7 A. 4863. I do see that.

8 Q. Okay.

9 A. So that's 16:12 minus 4 is, what, 12:12,  
10 you said, right?

11 Q. Yep.

12 A. Okay.

13 Q. All right.

14 A. All right.

15 Q. Great. And I'm taking this information  
16 between, I believe, your Interrogatory responses where you  
17 identified certain phone numbers as well as our own  
18 checks. So I'm going to identify some numbers and times  
19 and names, and do your best. If you need to look at your  
20 phone and your contacts, I'm fine with that, too.

21 A. Okay.

22 Q. I'm not like Andrew. I wouldn't ask --

23 A. That's one number that I would know, and  
24 that's my wife's number. These other numbers I don't  
25 know off by heart.

1 Q. And I understand that. So we might just  
2 have to use your phone contacts so you can identify  
3 numbers on the record. Is that okay?

4 A. Yes, sir.

5 Q. Okay. Because I'm just like you. I don't  
6 know.

7 MR. BETRAS: I'm older than all of you. I  
8 can remember a time I could remember 100 numbers, now I  
9 can't remember 3.

10 MR. MILLER-NOVAK: He still calls for  
11 movie times.

12 Q. So let's go. So you're at 11:07 a.m., (440)  
13 799-0609. Is that Nick Backus?

14 A. (440) 799-0609. I have that in my  
15 contacts as Nick Backus, yes.

16 Q. Okay. What's easier for you? If I give you  
17 the name or the number?

18 A. Probably the number because once I start  
19 typing the number in --

20 Q. The name pops up?

21 A. Correct.

22 Q. Cool. (330) --

23 A. Okay.

24 Q. -- 718-6976.

25 A. (330) 718-6976, Mike Geer.

1 Q. Okay. (330) 647-8387.

2 A. That is Joellen Weaver.

3 Q. Who is that?

4 A. She is a deputy assigned to the transport  
5 unit.

6 Q. What does she do?

7 A. She transports prisoners. She also -- she  
8 does a lot for me with warrants, warrants to convey, if  
9 we have to take somebody -- pick somebody up from one  
10 prison, take them to another. She handles a lot of the  
11 paperwork. She does quite a bit.

12 Q. Okay. Did we do Nick Backus yet?

13 A. Yep, sure did.

14 Q. Thank you.

15 A. You're welcome.

16 Q. Team effort. All right. So (330) --

17 A. This is a new one, right?

18 Q. Yep.

19 A. Okay.

20 Q. 501 --

21 A. Okay.

22 Q. -- 5063.

23 A. That's Marcus Coonce.

24 Q. Who's Marcus Coonce?

25 A. That's Todd Coonce's son, who no longer

1 works with us. He was employed with us for a short  
2 period of time.

3 Q. Why were you texting him that day?

4 A. I have no idea. He was assigned with Nick  
5 Backus to the -- he was in the civil unit maybe at the  
6 administration building. He was a deputy with us for a  
7 short time.

8 Q. (330) 240-7086.

9 A. Hold on one second. 240-7 --

10 Q. 0 --

11 A. 0.

12 Q. 8.

13 A. 8.

14 Q. 6?

15 A. 6. Tiffany Alberini.

16 Q. Who's that?

17 A. She is a Trumbull County 911 center  
18 dispatcher.

19 Q. Isn't Alberini's a restaurant?

20 A. It was back in the day.

21 Q. She any relation?

22 A. I don't know. He just passed away not too  
23 long ago. They have good food.

24 Q. They did. (330) --

25 A. Uh-huh.

1 Q. -- 506-2977.

2 A. Back to this guy. Lou Padula.

3 Q. Okay. (330) --

4 A. Okay.

5 Q. -- 987-8973.

6 A. I don't have anybody with 987 in my  
7 contacts.

8 Q. (330) 937-8973?

9 A. Okay. It's a three and it's Joe Denver.

10 Q. Who's that?

11 A. He's a deputy with us assigned to my civil  
12 division as well. He's a school resource officer now,  
13 but I think at the time he was in -- he's in the civil  
14 division, I think, at the time.

15 Q. Okay.

16 A. He's in the school now.

17 Q. I think we did this one. Just in case.

18 (330) 609 --

19 A. Okay.

20 Q. -- 3220.

21 A. (330) 609-3220?

22 Q. Yes, sir.

23 A. I do not have that in my contact list.

24 Q. Okay. So you don't know who would be text  
25 messaging that number -- why you would be text messaging

1     that number that day?

2     A.               No, not at all.

3     Q.               Can you search your text messages now to see  
4     if that number comes up in your text message list?

5     A.               Absolutely.

6     Q.               Thank you.

7     A.               You're welcome.   (330)?

8     Q.               Yes.

9     A.               Repeat it.   609?

10    Q.               Yes.

11                   MR. YOSOWITZ:   3220.

12    A.               Nothing.   No results.

13    Q.               Okay.   So you believe that you deleted that  
14    at some point?

15    A.               No.   What I do believe, though, there's a  
16    slight chance -- we do have a deputy that is in civil  
17    division that changes his number every now and then.   I  
18    don't know why.

19    Q.               Okay.

20    A.               It could have been him.   It's Juan  
21    Freeman.   That's the only thing that pops in my head,  
22    because he's one of my civil guys, and I know -- seems  
23    like not -- he's always changing his phone number.   So,  
24    I mean, do you want me to find out?   Do you need me to  
25    find out?



1 MR. YOSOWITZ: No.

2 Q. We'll move on.

3 A. All right.

4 Q. Thanks, though.

5 A. You're welcome.

6 Q. (330) --

7 A. Still in text mode.

8 Q. Back to contacts.

9 A. Yeah. Back to contact list. Here we go.

10 Q. Let me know when you're there.

11 A. I'm there.

12 Q. (330) --

13 A. Okay.

14 Q. -- 727-1636.

15 A. Jennifer Carr, C-A-R-R.

16 Q. Who's that?

17 A. She's a deputy with Trumbull County

18 Sheriff's Office.

19 Q. What does she do?

20 A. Well, right now she's assigned over at the

21 courthouse, and I think she may have been at the

22 courthouse then, too.

23 Q. Ready?

24 A. Oh, yeah.

25 Q. (330) 277 --

1 A. Hold on one second. (330) 277 --

2 Q. -- 6265.

3 A. Go no further. Ken Robbins,

4 R-O-B-B-I-N-S.

5 Q. Who is that?

6 A. He is a deputy with the Trumbull County  
7 Sheriff's Office. Also former state highway patrolman  
8 who works in the transport unit.

9 Q. (330) --

10 A. Uh-huh.

11 Q. -- 540 --

12 A. Uh-huh.

13 Q. -- 2607.

14 A. Rodney Wells, William Rodney Wells. We  
15 call him Rodney. He goes by Rodney.

16 Q. We talked about him earlier.

17 A. We did talk about him.

18 Q. We'll move on.

19 A. Okay.

20 Q. (330) --

21 A. Uh-huh.

22 Q. -- 219 --

23 A. Uh-huh.

24 Q. -- 8202.

25 A. So she goes by Gabby, but her real name's

1 Gabrielle Infante, I-N-F-A-N-T-E. She's a deputy with  
2 the Trumbull County Sheriff's Office in the transport  
3 unit.

4 Q. It's not Infante?

5 A. Infante, no, it's not. Infante I think  
6 does sound a little bit cooler.

7 Q. I went to high school with a lady named  
8 Infante. It was spelled the same way. (330) --

9 A. Uh-huh.

10 Q. -- 240 --

11 A. Uh-huh.

12 Q. -- 2607.

13 A. 2607?

14 Q. Yes, sir.

15 A. Okay. So I don't have it. So let me get  
16 this right. (330) 240-2607?

17 Q. Yes.

18 A. I do not have that.

19 Q. Okay.

20 A. So I do not know who that is. I  
21 apologize.

22 Q. No reason to apologize. All right. I think  
23 that's it before your finger cramps. I think we're done  
24 with that task. Kind of did the hard work without having  
25 to look at that terrible page.

1 A. Okay.

2 Q. You want to hand that back to the court  
3 reporter?

4 A. Sure.

5 Q. Thank you.

6 A. You're welcome.

7 Q. Never enough desk.

8 (Whereupon Plaintiff's Exhibit 4 was marked.)

9 Q. So the last log I showed you was the text  
10 message log.

11 A. Okay.

12 Q. You know, I'll have you identify -- your  
13 number is (330) 240-4931?

14 A. Yes.

15 Q. Okay. So I'm going to represent to you that  
16 this is a log of your phone calls.

17 A. Okay.

18 Q. Like your voice call, talk, as opposed to  
19 that thing. And that is -- that's what that is.

20 A. Okay.

21 Q. Do you have any reason to dispute that?

22 A. I do not.

23 Q. Okay. I'll have you set that aside because  
24 it kind of says what it says. We're going to do a similar  
25 thing.

1 A. Do you get this?

2 Q. Yeah. You can give it to her. Seems like  
3 this was the easier path to identify some numbers.

4 A. Okay. Contacts?

5 Q. Well, we'll get there in a little bit. Keep  
6 it handy.

7 A. All right.

8 Q. Thanks. I didn't want you to have to stare  
9 at that thing. Actually, I lied. Bring that out real  
10 quick. Do you remember getting a phone call or calling  
11 Sheriff Monroe at 10:25 a.m. that day?

12 A. I do not.

13 Q. So if you talked to him, you wouldn't  
14 remember what you talked about?

15 A. I don't remember talking to him at all.

16 Q. Okay. How frequently do you call or talk to  
17 Sheriff Monroe during the course of a day, on average?

18 A. I could go couple days without talking to  
19 him or texting him, or a week.

20 Q. Okay. Do you remember calling Louis Padula  
21 at 11:45 a.m.?

22 A. No.

23 Q. Do you remember if he called you at 11:45  
24 a.m.?

25 A. No.

1 Q. Who is Keith O'Halloran?

2 A. O'Halloran. Pretty good.

3 Q. It was okay?

4 A. It's good.

5 Q. Thanks.

6 A. You're welcome.

7 Q. Who is he?

8 A. He's a family member.

9 Q. Okay.

10 A. So it's my wife's cousin's husband, but I  
11 call him my cousin.

12 Q. Okay. All right.

13 A. He actually works for TLC Insurance and  
14 runs their home health care unit.

15 Q. Okay. So it didn't have anything to do with  
16 official business most likely then?

17 A. No. It was probably about jiu-jitsu, to  
18 be honest with you.

19 Q. Okay.

20 A. But I don't recall. I don't recall  
21 talking to him. I don't recall anything. Typically  
22 he'll call me, we'll either BS or he'll call and say you  
23 going to class tonight. That's about it.

24 Q. Okay.

25 A. We're usually jiu-jitsu partners.

1 Q. Okay.

2 A. We do jiu-jitsu, so --

3 Q. Donald Hyde?

4 A. I don't -- so Donald Hyde is a former  
5 member of the sheriff's office. He was my former  
6 sergeant on afternoon turn when I was on road patrol.  
7 He does something now for senior services. I think he's  
8 employed by the county. I haven't seen him in a while.  
9 Super great guy. We used to run 5Ks together a lot.

10 Q. Anthony Roberts?

11 A. Anthony -- so Anthony is a detective for  
12 Niles Police Department. We train jiu-jitsu together,  
13 and he's a friend of mine, so --

14 Q. Jacqueline Ross?

15 A. That's my wife.

16 Q. Okay. You checked in a lot that day.  
17 That's good.

18 A. I mean, typically.

19 Q. That's good.

20 A. Yeah.

21 Q. Michael Yannucci?

22 A. Michael Yannucci is a member of the  
23 sheriff's office. He is a captain now. He's in charge  
24 of the drug unit.

25 Q. Okay. Do you remember having conversations

1 with him that day?

2 A. I don't.

3 Q. I have one number -- I mean, would you  
4 disagree that I identified these numbers -- do you have  
5 any reason to doubt -- I think we already identified --  
6 quite frankly, I don't care about your calls with your  
7 wife, obviously, but I think we already identified Louis  
8 Padula's number. I don't think we need to do that. I  
9 think we've recognized and identified the sheriff's number  
10 in this litigation. Do you have any reason to disagree  
11 that the number (330) 240-4747 is Michael Yannucci's  
12 number?

13 A. No, I believe that's his.

14 Q. Okay. I have one number for you to  
15 identify, then. How about that?

16 A. Absolutely. Let's do it.

17 Q. Okay. (330) --

18 A. Okay.

19 Q. -- 556 --

20 A. Okay.

21 Q. -- 3878.

22 A. You're cutting deep with this one.

23 Q. I'm sorry.

24 A. That's all right. It's my 17-year-old  
25 daughter.



1 Q. Okay.

2 A. Isabella Ross.

3 Q. Okay.

4 A. Who I speak with quite often.

5 Q. Good.

6 MR. BETRAS: She still talks to you.

7 THE WITNESS: She talks to me now.

8 MR. BETRAS: She'll get older. She'll  
9 blow you up.

10 THE WITNESS: Yeah, I think we're starting  
11 to get there.

12 Q. I have a 16-year-old myself. Well, the good  
13 news is I think we're done with that.

14 A. Thank you.

15 Q. Okay. We're getting there. At any point do  
16 you recall Sheriff Monroe talking to you about preserving  
17 text messages?

18 A. No.

19 Q. So at no point Sheriff Monroe ever contacted  
20 you and said, hey, don't delete your text messages from  
21 July 7th, 2022?

22 A. I don't recall if he did or didn't.

23 Q. Okay. Are you aware that the municipal  
24 court ordered the preservation of text messages?

25 A. I don't think so. I don't recall being

1 made aware of it.

2 Q. I'm going to hand you 5.

3 (Whereupon Plaintiff's Exhibit 5 was marked.)

4 Q. I just handed you what we've now marked  
5 Exhibit 5, and it's got Bates stamp TCBS, and you see on  
6 the bottom right hand it says 78?

7 A. Okay.

8 Q. That's what's called a Bates stamp. So it's  
9 just a number that -- actually, Trumbull County. Wasn't  
10 your attorney. It was the county that produced this. So  
11 on the first page, this appears to be a letter to Sheriff  
12 Monroe from Dennis Watkins. Do you see that?

13 A. Yes.

14 Q. Have you ever seen this before?

15 A. I don't recall.

16 Q. I'm going to read it. It says Dear Sheriff  
17 Monroe.

18 A. Okay.

19 Q. You have provided us with a letter dated  
20 August 5th, 2022, from Raymond Srp, an assistant  
21 prosecuting attorney assigned to handle the above  
22 captioned case. In that letter Attorney Srp explains that  
23 Judge Frost has issued an order to preserve certain data  
24 and sets forth three categories of data in the order.  
25 While we have not been and will not be involved in this

1 matter due to a conflict of interest with our statutory  
2 clients -- and this is in bold. Do you see that?

3 A. Uh-huh.

4 Q. It is important that you take any and all  
5 steps necessary to preserve the information and data  
6 described in that letter and that you communicate this  
7 duty to your staff as applicable. Do you see that?

8 A. I do.

9 Q. Can you turn to the next page?

10 A. Yes.

11 Q. And this is a letter dated August 5th, 2022.  
12 Do you see that?

13 A. Yes.

14 Q. At the top it says Victor V --  
15 MR. YOSOWITZ: Vigluicci.

16 Q. Vigluicci?

17 MR. BETRAS: That's how you pronounce it.

18 Q. Okay. Vigluicci.

19 A. Vigluicci. Where's that? Right up there.  
20 Okay.

21 Q. Says Portage County Prosecuting Attorney.  
22 Do you see that?

23 A. I do.

24 Q. Okay. And it's dated August 5th, 2022, to  
25 Trumbull County Sheriff's Office, Trumbull County

1 Commissioners. Do you see that?

2 A. Yes, sir.

3 Q. It says RE: 2022 CRB 1240, State of Ohio  
4 versus Michele N. Frenchko ordered to preserve. Do you  
5 see that?

6 A. I do.

7 Q. It says, Dear Trumbull County Commissioners  
8 and Sheriff Palmer. Do you see that?

9 A. Yeah, but Sheriff Palmer's not the  
10 sheriff.

11 Q. Well, he's not.

12 A. Sheriff Monroe. Palmer's not the sheriff,  
13 but go ahead.

14 Q. Okay. My name is Raymond Srp. That's  
15 weird. And I have been appointed as special prosecuting  
16 attorney in Warren Municipal Court Case Number 2022  
17 CRB 1240, State of Ohio versus Michele N. Frenchko. Do  
18 you see that?

19 A. I do.

20 Q. Yesterday, August 4th, 2022, Judge Frost  
21 ordered the following to be preserved. Do you see this?

22 A. I do.

23 Q. There's three things that are listed. Do  
24 you see that?

25 A. Uh-huh.

1 Q. One is all surveillance video of the  
2 administrative building and the sheriff's building where  
3 sheriffs employees and county commissioners or their  
4 staff, including Jim Misocky, past employee, are in  
5 communication with the sheriff's staff are on the fifth  
6 floor. Do you see that?

7 A. Yes, sir.

8 Q. Second it says, personal cell phones and  
9 county building phone logs, emails, personal text  
10 messages, written notes and correspondence, Messenger  
11 messages on Facebook, Instagram and all other app and  
12 social media platforms between and among commissioners  
13 staff, commissioners, sheriff staff, the sheriff and Jim  
14 Misocky between May 4th to August 4th, 2022. Do you see  
15 that?

16 A. I do.

17 Q. Okay. All emails or correspondence, text or  
18 videos, social media posts and otherwise relating to the  
19 disruption of a lawful meaning statute from any  
20 commissioner, sheriffs or auditors office staff, including  
21 Jim Misocky, containing any reference to Commissioner  
22 Frenchko. Do you see that?

23 A. Yes.

24 Q. So at no point -- your testimony today is  
25 that at no point did Sheriff Monroe instruct you or tell

1 you to preserve any text message on your phone?

2 A. I don't recall him ever saying that, and  
3 I've never seen this. This is the first I'm seeing  
4 this. We didn't even talk to the prosecuting attorney.

5 Q. Right. Do you consider yourself sheriff  
6 staff?

7 A. I guess we're members of the sheriff's  
8 office, yeah, so I guess. I don't know if part of his  
9 staff, like administrative staff.

10 Q. You are a sheriff's employee, correct?

11 A. Correct.

12 Q. Had the sheriff instructed you to preserve  
13 your text messages from that day, would you have done it?

14 A. Yes, I'm sure I would have listened to  
15 him.

16 Q. You would have followed his order?

17 A. Yeah.

18 Q. Do you believe that your text messages  
19 between yourself and other deputies about deputy business  
20 are public records?

21 A. All the text messages?

22 Q. That relate to county business.

23 A. I don't know about county business. I  
24 mean, I could see if it was law enforcement related,  
25 like maybe pertaining to a case or something, but, you

1 know, I don't believe that a text message to one of my  
2 transport deputies, hey, can you go pick up this person  
3 at Mahoning County Jail, I didn't realize that was  
4 public record.

5 Q. Well, if you tell a deputy to pick someone  
6 up at a jail, would you not agree that that text message  
7 documents an activity in the sheriff's department?

8 A. It could document it, but there's also  
9 ways it does document it.

10 Q. Because picking someone up at a jail is an  
11 activity of deputy, correct?

12 A. It is.

13 Q. And a text message would be a documentation  
14 of that activity, correct?

15 A. I guess if you put it like that.

16 Q. There would be other records of that  
17 activity, but a text message would be one of them?

18 A. You're right.

19 Q. Okay.

20 A. Agree.

21 Q. So that makes it a public record, doesn't  
22 it?

23 A. I don't know.

24 Q. You don't know because you've never been  
25 trained?

1 A. Correct.

2 Q. So the sheriff never trained you on that?

3 A. I don't know if we've had training on it.

4 I don't remember.

5 MR. MILLER-NOVAK: Let's take a quick

6 break. We're close.

7 (Off the record.)

8 MR. MILLER-NOVAK: We're done.

9 CROSS EXAMINATION

10 BY MS. SUDHOFF:

11 Q. Prior to the start of the July 7th, 2022,

12 meeting, did you know you were going to arrest

13 Ms. Frenchko?

14 A. No.

15 Q. Who made the decision to arrest

16 Ms. Frenchko?

17 A. Sergeant Wix and myself, probably. I

18 think we talked about it briefly when it was going on.

19 I think Sergeant Wix and myself. I don't think either

20 one of us individually made that. It was kind of like a

21 collective.

22 Q. Were you ordered by Sheriff Monroe to arrest

23 Ms. Frenchko?

24 A. No.

25 Q. Have you ever been ordered by anyone to



1 arrest anyone?

2 A. No, not verbally. Sometimes on warrant it  
3 might -- from a judge say you are here so ordered to  
4 take this person into custody, which we've done, but  
5 nobody has physically ever said, hey, we're going to  
6 arrest this person. Arrest this person. I've never  
7 been ordered out of somebody's mouth to physically  
8 arrest somebody, no.

9 Q. Did you discuss any plan to arrest  
10 Ms. Frenchko with former Commissioner Frank Fuda?

11 A. No.

12 Q. Did you discuss any plan to arrest  
13 Ms. Frenchko with current Commissioner Mauro Cantalamessa?

14 A. No, ma'am.

15 Q. Did you discuss any plan to arrest  
16 Ms. Frenchko with Sheriff Monroe?

17 A. No, ma'am.

18 Q. Prior to Ms. Frenchko's arrest, did you  
19 discuss arresting her with anybody?

20 A. No.

21 MS. SUDHOFF: That's all my questions.

22 RECROSS EXAMINATION

23 BY MR. MILLER-NOVAK:

24 Q. You said that between the time you  
25 handcuffed Commissioner Frenchko and actually filed the

1 charges that you did talk to Sheriff Monroe, correct?

2 A. I believe so. I believe he did come back  
3 there maybe and ask us -- if my memory serves me  
4 correctly, he may have come back once he found out, said  
5 what are you guys charging her with, and he said okay,  
6 and we continued about doing our report.

7 Q. Did you contact the prosecuting attorney for  
8 any entity?

9 A. No.

10 Q. Did --

11 A. Not that -- I don't think so, no.

12 Q. Okay. So Sheriff Monroe was aware that you  
13 were going to file charges against Commissioner Frenchko  
14 for disturbing a public meeting before you did, correct?

15 A. No. At the time the charges -- she was  
16 already taken to jail. I was filling out -- I probably  
17 had already filled out the charge, and we were doing our  
18 report, so I don't know when exactly he came back there.  
19 He was probably made aware of as it was happening.

20 Q. Okay.

21 A. I mean -- if that makes sense. We're back  
22 there typing our report. He and I -- Sergeant Wix and I  
23 are in a room; I know he was starting the report. I  
24 think I might have filled out the paperwork, and  
25 sometime during that I think maybe he came back and

1 spoke to us. I don't know.

2 Q. So he was aware of the situation before you  
3 actually filed the charges in the municipal court,  
4 correct?

5 A. Before they made it to the court?

6 Q. Yes.

7 A. I'd say that's fair to say.

8 Q. Okay. You would agree that it's an unusual  
9 event to arrest a county commissioner inside of her own  
10 meeting, correct?

11 A. Well, I don't know if it's her meeting.

12 Q. It's a commissioners' meeting?

13 A. It's a commissioners' meeting.

14 Q. You agree the county commissioners, there  
15 are three of them, correct?

16 A. Correct.

17 Q. And they're the governing body of an entire  
18 county, correct?

19 A. Correct.

20 Q. The county in which you work for, correct?

21 A. Yes, sir.

22 Q. A county that approves your budget, correct?

23 A. Yeah.

24 Q. Okay. So you don't think that it's abnormal  
25 or unusual to arrest a commissioner during a

1 commissioners' meeting?

2 A. I mean, if they break the law, then I  
3 guess they're no better than anybody else.

4 Q. Okay. I understand the point.

5 A. You know, they're no better -- if I break  
6 the law -- if I go out and drink and drive tonight and I  
7 get arrested, I'm no better. I'll be arrested.

8 Q. Okay. Is that something that happens  
9 frequently?

10 A. Not that I'm aware of.

11 Q. Okay. It's not like pulling someone over  
12 for an OVI, correct?

13 A. I would say you're right.

14 Q. It's fairly unique?

15 A. Probably.

16 MR. MILLER-NOVAK: Okay. No further  
17 questions.

18 MR. YOSOWITZ: He'll read it.

19 SIGNATURE NOT WAIVED

20 (Deposition concluded at 12:03 p.m.)

21

22


23

24

25

## REPORTER'S CERTIFICATE

I certify that this transcript, consisting of 127 pages, is a complete, true and correct transcript of the proceedings had and the testimony taken in this case as shown by my stenotype notes taken at the time said testimony was taken.

  
\_\_\_\_\_  
Jodie L. Algarin  
Registered Professional Reporter  
Certified Realtime Reporter

## 1 CERTIFICATE OF NOTARY

2  
3 COMPLETED BY DEPONENT:4  
5 I, ROBERT ROSS, have read the foregoing pages of my  
6 testimony or have had them read to me and have noted any  
7 changes in form or substance of my testimony with their  
8 respective corrections and the reasons on the following  
9 errata sheet(s).10 \_\_\_\_\_ Date  
11 ROBERT ROSS12  
13 COMPLETED BY NOTARY PUBLIC14  
15 I, \_\_\_\_\_, a Notary Public in and for the  
16 State of \_\_\_\_\_, hereby acknowledge that the  
17 above named witness personally appeared before me, swore  
18 to the truth of the foregoing statements and signed above  
19 as his/her own true act and deed.20 \_\_\_\_\_ Date  
21 Notary22 \_\_\_\_\_  
23 Commission Expiration  
24  
25

## E R R A T A P A G E

I, ROBERT ROSS, the witness herein, have read the transcript of my testimony taken on September 13, 2023, or have had the transcript read to me, and the same is true and correct, with the exception of the following changes noted below, if any:

PAGE	LINE	CORRECTION, CHANGE & REASON
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ROBERT ROSS

Date

A & A Reporting & Transcription Services  
837 Boardman-Canfield Rd., Suite 203  
Youngstown, Ohio 44512

September 20, 2023

Andrew N. Yosowitz, Esquire  
Teetor Westfall  
200 E. Campus View Boulevard, Suite 200  
Columbus, Ohio 43235

RE: Niki Frenchko VS Paul Monroe, et al.

Dear Mr. Yosowitz

Enclosed please find your copy of the deposition of Robert Ross taken on September 13, 2023. The original certificate and correction pages are attached. It is my understanding from our discussion that you will arrange to have Mr. Ross read and sign your copy of the transcript.

After the transcript has been signed, please mail the originals of Pages 126 and 127 to me at the above address. If I have not received the signed pages within 30 days of your receipt of this letter, pursuant to the Rules of Civil Procedure, signature will be waived.

Thank you for your time and consideration in this matter. If you have any questions, please don't hesitate to call me at the above number.

Sincerely,

Jodie L. Algarin

Enclosure

cc: Atty. Matt Miller-Novak  
Atty. David Betras  
Atty. Helen Sudhoff



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